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ABSTRACT

This report describes some recent examples of racially motivated conduct directed against Asian Americans, and identifies factors that contribute to them. The report reviews the following sources of information: (1) literature on the topic; (2) hearings by local human rights agencies; (3) data from the Bureau of the Census, the Office of Refugee Resettlement, and the Immigration and Naturalization Service; (4) state laws on racially motivated crimes; and (5) field investigations in eight states and the District of Columbia. Chapter 1 is an overview of early, discriminatory legislation and other activities directed against Asian immigrants and Americans of Asian ancestry in the United States. The chapter also examines more recent legislation liberalizing the immigration laws. Chapter 2 describes the geographic distribution of persons of Asian descent and their socioeconomic status relative to that of Whites. Chapter 3 discusses factors that contribute to racially motivated activities against persons of Asian ancestry. Chapter 4 discusses some apparently racially motivated incidents that have occurred in various parts of the country since the 1982 murder of Vincent Chin, a Chinese American, and the community responses to them. Chapter 5 is a conclusion to the report. Tables and figures illustrate the data. Appended are the statements of Commissioners John H. Bunzel and Robert A. Destro. Also appended are the testimony of Congressman Robert T. Matsui; additional tables; a discussion of the methodology; reviews of Federal civil rights statutes, and provisions and penalties of selected State statutes concerning racial violence, harassment, or intimidation; and the text of a cooperative agreement between the United States Government and refugee resettlement agencies. (BJV)

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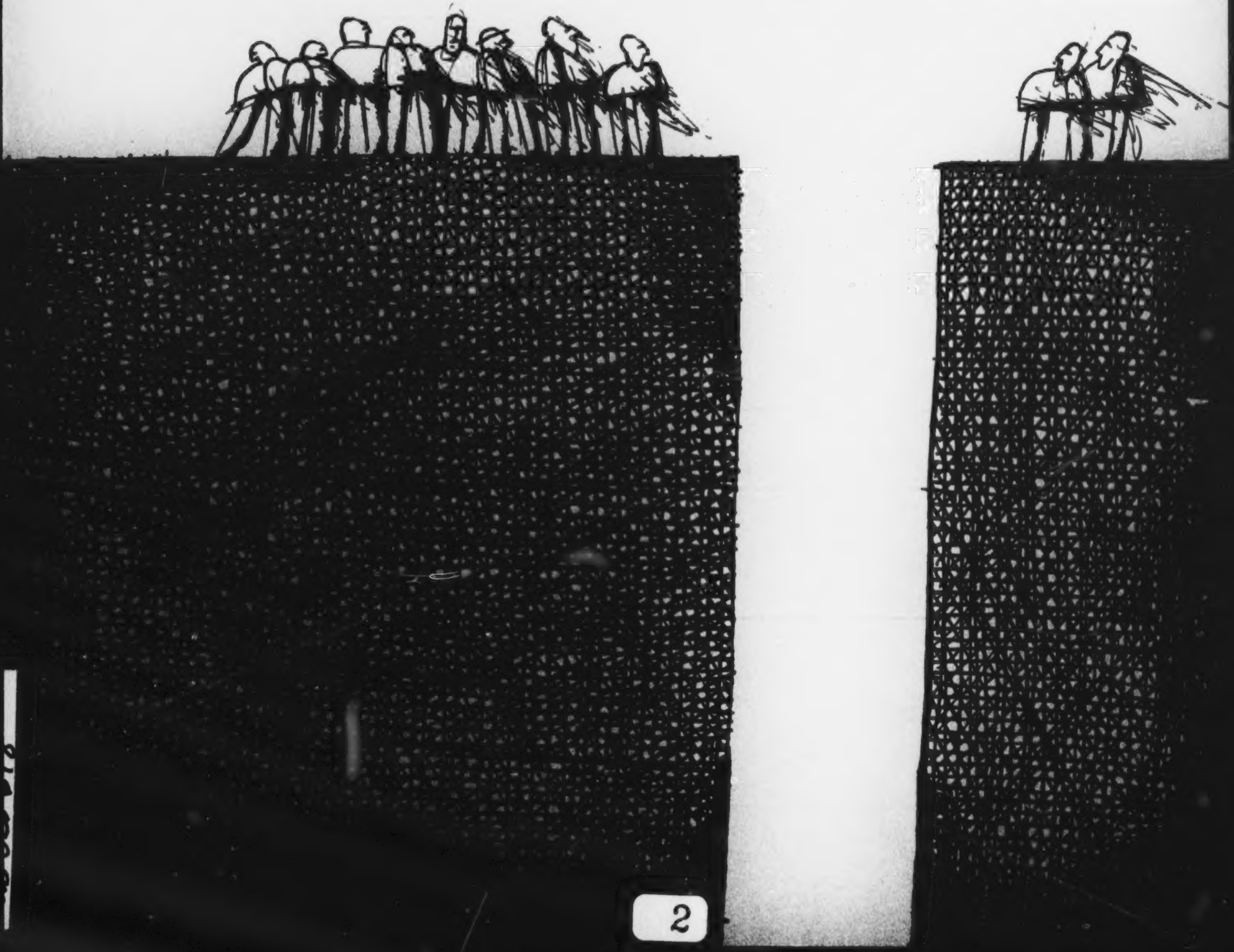

U.S. COMMISSION ON CIVIL RIGHTS

The U.S. Commission on Civil Rights is an independent, bipartisan agency first established by Congress in 1957 and reestablished in 1983. It is directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, handicap, or national origin, or by reason of fraudulent practices;
- Study and collect information concerning legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;
- Appraise Federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;
- Serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin;
- Submit reports, findings, and recommendations to the President and the Congress.

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Recent Activities Against Citizens and Residents of Asian Descent

U.S. Commission on Civil Rights

Clearinghouse Publication No. 88

PREFACE

Discrimination against persons of Asian origin in the United States can be traced back to the middle of the 19th century. Governmentally sanctioned discrimination came in the form of restrictive immigration policies that lasted well into the 20th century and the internment of Japanese Americans during the Second World War. Today, although immigration laws now are nondiscriminatory and Asian Americans are entitled to the full panoply of civil rights protections and participate in affirmative action programs, many Americans of Asian descent believe they must continue their struggle to be accepted as Americans. For example, in a statement to the Commission, Representative Robert T. Matsui argued:

> Americans of Asian ancestry have to bend over backwards to try to prove that they are Americans. This is certainly a problem for recent immigrants who find it difficult enough to try to assimilate. And it is further a problem for those of Asian ancestry who were born in this country and struggle with this strange necessity to suddenly prove that they really are not the enemies of their own nation.[1]

Representative Norman Y. Mineta similarly stated: "People think of us as different. We always need to establish that we are Americans."[2]

As will be seen in this report, support for the suggestion that many Americans perceive Asian Americans as foreign may be reflected in a tendency among some Americans to treat Asian Americans as a homogeneous group, regardless of their ethnic heritage; misconceptions regarding Asian immigrants and refugees; and the blaming by some Americans of Asian Americans for economic problems in the United States owing to business competition with Japan and other Asian countries, such as Korea and Taiwan. This combination of factors may lead to acts of violence, vandalism, harassment, and intimidation. Such a connection was apparent in the beating death of Vincent Chin, a Chinese American, on June 19, 1982, in Detroit, Michigan. The two white men charged with his death had reviled Chin with racial obscenities and, believing him to be Japanese, allegedly blamed him for layoffs in the automobile industry. The defendants were found guilty of murder, and each was sentenced to 3 years' probation and fined $3,780 by a circuit court judge in Detroit.

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[1] Robert T. Matsui, Member of Congress, (written) statement to the U.S. Commission on Civil Rights, Oct. 31, 1984. See appendix A for the complete text of Representative Matsui's statement.

[2] Norman Y. Mineta, Member of Congress, interview in Washington, D.C., Feb. 27, 1985.

Asian and Pacific Island American leaders were outraged by the light sentences, and they petitioned the United States Department of Justice to investigate the case for civil rights violations. Following review, the Department of Justice filed suit. The defendants were tried in the U.S. District Court for the Eastern District of Michigan. One defendant was found guilty of a civil rights violation, and the second was acquitted. The district court judge sentenced the convicted defendant to 25 years in prison.

The Vincent Chin case united Asian American groups. Their belief that all persons of Asian descent are potentially victims because of their race propelled them to work in concert to monitor, report, and protest acts of violence, harassment, and intimidation against persons of Asian descent. The U.S. Commission on Civil Rights applauds the efforts of groups and individuals across the Nation who are endeavoring to eradicate such incidents.

This report describes some recent examples of racially motivated conduct and seeks to identify factors that contribute to them. It should be noted that, at present, there is no comprehensive data collection system nationwide to measure the scope or the severity of the problem.[3] This lack of data, therefore, precludes an assessment of whether anti-Asian activities have increased in recent years.

The report includes a review of numerous sources of information, including literature on the historical treatment of persons of Asian descent in this Nation. National attention to the issue of racially motivated violence against U.S. citizens and residents of Asian descent has increased significantly since the death of Vincent Chin. Recent literature on this topic, however, remains limited. Therefore, Commission staff explored other sources of information, including:

(1) hearings by local human rights agencies on racially motivated violence, harassment, and intimidation against persons of Asian descent;

(2) data from the Bureau of the Census, the Office of Refugee Resettlement, and the Immigration and Naturalization Service on the number of Americans of Asian ancestry and Asian immigrants and refugees and their socioeconomic status;

(3) State laws on racially motivated crimes; and

(4) field investigations in eight States—California, Maryland, Massachusetts, New York, Pennsylvania, Texas, Virginia, and Washington—and the District of Columbia.

Chapter 1 is an overview of early, discriminatory legislation and other activities directed against Asian immigrants and Americans of Asian ancestry in the United States. The chapter also examines more recent legislation liberalizing the immigration laws. Chapter 2 describes the geographic distribution of persons of Asian descent and their socioeconomic status relative to whites. Chapter 3 discusses various factors that contribute to racially motivated activities against persons of Asian ancestry. Chapter 4 discusses some apparently racially motivated incidents that have occurred in various parts of the country since Vincent Chin's death in 1982 and the responses to them in those communities. Chapter 5 is a conclusion to the report.

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[3] A few States have recently begun including racial information in the collection of crime statistics, and there are congressional efforts to do this nationwide. (The "Hate Crime" Statistics Act, H.R. 2455, was introduced on May 9, 1985, and was passed by the House of Representatives by voice vote on July 22, 1985. It was "polled out" of the Subcommittee on Criminal Law of the Senate Judiciary Committee on Jan. 16, 1986, and sent to the full committee. It has yet to be determined whether hearings will be held on the bill before the full committee.) H.R. 2455, 99th Cong., 1st sess. (1985).

The report informs the public about the nature of racially motivated violence, harassment, and intimidation directed against Asian and Pacific Island Americans, Asian immigrants, and Indochinese refugees. It makes clear that anti-Asian behavior results from a complicated set of factors, including racial discrimination. The Commission offers this report in an effort to alert the Nation to indignities suffered by diverse groups of Asian descent and to appeal to all Americans to work to eliminate anti-Asian activity from our society.

ACKNOWLEDGMENTS

The Commission is indebted to staff members Clinton Black, Wanda Johnson, Patricia Reynolds, William Thompson, and former staff person Naomi Verdugo who prepared this report under the direction of Thomas Watson, Project Director. Support in preparing the report was provided by Audrey H. Wright, Cathy H. Somers, Elaine G. Robinson, and Lucille Boston, and by Vivian Washington and Margarita Valladares of the Publications Support Center. The report was prepared under the overall supervision of Caroline Davis Gleiter, Assistant Staff Director, Office of Research.

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Executive Summary

The Commission on Civil Rights deplores acts of violence, intimidation, and harassment perpetrated because of race or religion. Groups or individuals that engage in such activity are attempting to deny rights to which citizens and residents are entitled. Over time, various racial, ethnic, and religious groups have been subjected to such treatment. One such group is comprised of peoples whose origins are in East Asia or the Pacific. Since the beating death of a Chinese American in Detroit in 1982—and the lenient sentences initially received by those who were involved—groups representing Asian Americans have mobilized to monitor such anti-Asian activities. In addition, other Americans have also become more aware of activity against members of these groups. Newspaper accounts and hearings by human relations commissions have heightened this awareness.

John H. Bunzel, a member of the U.S. Commission on Civil Rights, became concerned about the reports and recognized the issue of anti-Asian activity as a critical one. Mr. Bunzel recommended that a study be undertaken to examine the issue of violence, harassment, and intimidation against U.S. citizens and residents of Asian descent. His recommendation was unanimously supported by the other Commissioners.

As staff began its preliminary investigation, it was immediately apparent that data for making a determination of the level of anti-Asian sentiment or activity were not available and that the study would have to rely on alternative sources of information. In July 1984, the Commission approved a project proposal to examine the nature of recent activity against persons of Asian descent nationwide and to explore factors that may contribute to such behavior. The study was initially to be based chiefly on a review of social science literature and other scholarly research and limited interviewing.

Because the issue of anti-Asian behavior had not penetrated the Nation's consciousness until relatively recently, little research had actually been done on the nature or causes of such activity. Therefore, an expanded field investigation to elicit more indepth information was conducted. Staff visited eight States—California, Maryland, Massachusetts, New York, Pennsylvania, Texas, Virginia, and Washington—and the District of Columbia. Sites were chosen based on a number of criteria: the presence of substantial numbers of persons of Asian descent, reports of anti-Asian activity occurring in the areas, and the location of Federal or State offices or national organizations that have examined anti-Asian activity. Staff conducted interviews with Federal, State and local officials, including those in criminal justice and law enforcement; academicians and social science researchers; merchants; and representatives of human relations commissions, refugee resettlement agencies, and national and community organizations.

In addition to the literature review and field investigation, staff also reviewed legal documents and analyzed demographic and socioeconomic data. Legal research included a review of immigration laws and related documents, State laws concerning racially motivated violence, Federal civil rights statutes, and court documents related to specific suits involving anti-Asian behavior. Data on population and geographic distribution of persons of Asian descent were taken from published tables from the 1980 census, published and unpublished figures from the Immigration and Naturalization Service, and published information from the Office of Refugee Resettlement. Data on socioeconomic status for five Asian groups for which adequate data were available—Chinese, Filipinos, Japanese, Koreans, and Vietnamese—were derived from published census information and from the Commission's own analysis of the 5 percent public use sample tapes for the 1980 census.

The collection and analysis of these sources resulted in a multisite study that examines quantitative data on the distribution and socioeconomic status of Asian Americans, and qualitative information on current anti-Asian activity, possible contributory factors, and the response of public officials to specific incidents.

Historical Background

Discrimination against persons of Asian origin in the United States can be traced back to the middle of the 19th century. Legislative limitations on the activity of Asians or restrictions on their entrance into the United States persisted until well into the 20th century. In 1872 the Chinese Exclusion Act barred the immigration of Chinese. As each new Asian ethnic group immigrated, it was subjected to treatment similar to that encountered by the Chinese. In 1917 and 1924, Congress enacted two immigration acts that virtually halted the immigration of most Asians to the United States for nearly 30 years.

Although the immigration of Asians was effectively terminated, residents or citizens of Japanese descent faced humiliation and loss of freedom at the beginning of the Second World War. In February 1942, President Franklin D. Roosevelt signed an Executive order authorizing the Secretary of War to prescribe military areas from which persons could be excluded. This order provided the basis for placing persons of Japanese descent—citizens and noncitizens—in relocation camps. Following the war, Japanese detainees were allowed to make claims for losses of their possessions. Payments amounted to less than one-third of the total claims. In 1980 Congress established a Commission on Wartime Relocation and Internment of Civilians to examine the facts related to the internment of American citizens of Japanese descent. Based on its recommendation, Congress is currently considering legislation (H.R. 442) to establish a $1.5 billion fund for educational purposes, from which a per capita payment of $20,000 would be made to each survivor of the internment camps.

Barriers to immigration and citizenship began to fall during the Second World War and were finally removed in 1965. Ten years later, another group of Asians—specifically, refugees from Southeast Asia—began arriving in the United States, and by 1985 the United States had resettled more refugees than the combined total for all other second asylum countries.

Distribution and Economic Status

Largely due to the changes in immigration laws and to the admittance of refugees from Vietnam, Laos, and Cambodia, the number of persons of Asian descent in the United States has increased substantially, although they remain a small percentage of our overall population. Between 1970 and 1980, their numbers grew from 1.5 million (0.8 percent of the U.S. population) to 3.7 million (1.6 percent).

Geographically, persons of Asian descent are not distributed evenly throughout the United States. Sixty percent of the population resides in three States—California, Hawaii, and New York. In Hawaii and California, they comprise greater than 5 percent of the total population in the State (61 and 5.5 percent, respectively). Other States with more than 100,000 Asian and Pacific Islanders are Illinois, Texas, Washington, and New Jersey.

Like the Asian and Pacific Islander population as a whole, refugees are located in particular States. By 1985 California was host to almost 40 percent of all refugees, followed by Texas (7.5 percent), Washington (4.3 percent), and New York (3.8 percent).

Despite their common designation as Asians, the 1980 census identified 19 separate Asian ethnic groups. In 1970 the five groups with the largest U.S. population were Japanese, Chinese, Filipino, Hawaiian, and Korean. By 1980 the largest were Chinese, Filipino, Japanese, Asian Indian (who were not counted as Asian in the 1970 census), and Korean, followed by Vietnamese.

The socioeconomic status of Asian Americans varies among ethnic groups. Data from the 1980 census allows analysis of socioeconomic data for five groups included in the study: Japanese, Chinese, Filipinos, Koreans, and Vietnamese. Earnings statistics for these groups show that Japanese are doing best and Vietnamese worst, with Chinese, Filipinos, and Koreans in between. Controlling for educational status, persons of Japanese ancestry compare favorably with non-Hispanic whites, although their relative earnings fall as level of educational attainment rises. None of the other groups has earnings as high as non-Hispanic whites at any level of educational attainment.

Poverty rates for the groups also vary, with Chinese, Korean, and Vietnamese having substantially higher poverty rates than non-Hispanic whites. For those in poverty, the average family in each ethnic group is much poorer than its white counterpart.

There appears to be some correlation between length of time in the United States and economic success. This may be due in part to increased English-language fluency. There is reason to think, therefore, that the acculturation of recent immigrants and refugees from various Asian countries may result in higher mean earnings for these groups.

Contributory Factors

Incidents of violence, harassment, intimidation, and vandalism against persons of Asian descent result from many factors. As the California Governor's Task Force on Civil Rights explained:

> Racial and ethnic conflict is rarely attributable to some single factor, but is usually the result of a complex mixture of historical, cultural, psychological and situational forces.

Some of these factors are racial prejudice, stereotypes, and myths about persons of Asian descent, cultural differences between residents and newly arrived Asians, and economic competition between residents and refugees from Southeast Asia for the same resources.

Deciding whether an incident is racially motivated is usually the responsibility of State and local law enforcement and criminal justice officials, as well as representatives of local human relations commissions and the Community Relations Service of the Department of Justice. Factors used to identify racially motivated offenses include the perpetrator's admission; the use of racial slurs, slogans, or epithets; patterns of crimes; and demographic characteristics of neighborhoods. However, many officials tend to rely on their experience in the area and the information collected during investigations to make a determination of racial motivation.

Some Americans have misconceptions and stereotypes about persons of Asian descent that can lead to anti-Asian sentiment, which, subsequently, can lead to racially motivated activity against members of these groups. Two of the most prevalent stereotypes about persons of Asian descent are that Asian Americans are foreigners regardless of how long they have been citizens, and that members of various Asian ethnic groups are all alike. The view that Asian Americans are foreigners is linked, for example, to the attitudes expressed by some Americans toward Japanese Americans. Many of these individuals blame Japanese Americans for the bombing of Pearl Harbor and for layoffs at many industrial plants because of the international trade competition with Japan. For instance, the U.S. trade imbalance with Japan has led to congressional attempts to enact trade restrictions. One unfortunate result is that Japanese Americans continue to experience hostility, although they often are second or third generation Americans, many of whom may have fought for the United States in the Second World War.

Another common misconception is that all Asians are the same. Although the term "persons of Asian descent" comprises a broad range of nationalities, cultures, and experiences, these persons are viewed as belonging to a monolithic group. Because of the presumed homogeneity among Asian people, Koreans are mistaken for Japanese, who in turn are mistaken for Chinese, who are often mistaken for Southeast Asian refugees from Cambodia or Laos. Perpetrators of activity against persons of Asian descent rarely differentiate among groups.

Cultural differences between Americans and recent arrivals also have led to anti-Asian sentiment. New arrivals to the United States have settled in many different demographic areas. The result has sometimes been friction between them and long term residents.

Many newly arrived refugees are poorly educated, lack employment skills necessary in an industrialized society, and have little money. They have often been settled in low-income neighborhoods, taken low-status, low-paying jobs, or have been eligible for public assistance. This has made them competitors with low-income Americans for the same scarce resources. One poll in 1980 in nine cities showed that 47 percent of those surveyed believed that refugees take jobs away from Americans. Competition for jobs and housing has led to tension and sometimes racial conflict between refugees and other low-income groups.

Although there are many possible contributory factors to anti-Asian activity, it is difficult to show the degree to which an individual factor, including race, is responsible for specific actions. Detailed incidents in the report demonstrate the difficulty in showing the influence of a single factor on anti-Asian activity.

Specific Incidents

Since 1982 reported incidents against persons of Asian descent include physical assaults and other forms of violence, harassment, intimidation, vandalism, and anti-Asian slurs, slogans, literature, signs and bumper stickers. Some examples of anti-Asian activity are: (1) the beating death of Vincent Chin, a Chinese American, in Detroit, Michigan; (2) the stabbing of a Vietnamese high school student in Davis, California; (3) the physical assault on a Laotian immigrant in Fort Dodge, Iowa; (4) the physical assault, harassment, and intimidation of Southeast Asian refugees who have settled in Massachusetts; (5) the harassment and intimidation of the Hmong in Philadelphia, Pennsylvania; and the intimidation of Asian entrepreneurs, including (6) Vietnamese fishers in Florida, Texas, and California; and (7) Korean merchants in Los Angeles, New York City, and Washington, D.C.

National attention to the issue of racially motivated activity against persons of Asian descent has increased significantly since the 1982 death of Vincent Chin, a Chinese American, in Detroit, Michigan. The two defendants, who were laid-off automobile workers, apparently believed Chin was Japanese and allegedly blamed him for the layoffs in the industry. The defendants were convicted of second degree murder, and the Wayne County Circuit Court judge sentenced them to 3 years' probation and fined them $3,780 each. Incensed by what they perceived as lenient sentences, members of the Asian American community demanded an investigation by the U.S. Department of Justice, which examined the case for possible civil rights violations. In June 1984, a U.S. district court jury found one of the defendants guilty of interference with Chin's civil rights. The case is currently on appeal.

Two other cases caused similar reactions by Asian Americans. One incident involved an altercation between juveniles at a high school in Davis, California, in 1983, which resulted in the fatal stabbing of an unarmed Vietnamese student by a white student. In October 1984, the defendant was convicted of voluntary manslaughter and sentenced to a 6-year prison term to be served in the California Youth Offenders program. The case was not tried under Federal or State civil rights statutes.

A second case involved the May 1983 assault on a Laotian male immigrant by a white male in Fort Dodge, Iowa. The offender was sentenced to 6 months in jail, but the judge suspended the sentence, and the defendant was placed on probation. He was ordered to pay the victim's medical expenses and to write an essay of no less than 25 words.

Other refugees have experienced hostility and have been assaulted by nonrefugees. Between May 1983 and December 1984, for example, the Civil Rights Division of the Massachusetts Department of the Attorney General has investigated approximately 10 complaints involving racially motivated activity, and has filed at least eight civil injunctions under the Massachusetts Civil Rights Act to protect the civil rights of the newly arrived refugees. Reported acts include physical assaults, vandalism, arson, and the use of racial epithets and slogans. The perpetrators in these cases are white; the victims include Cambodian, Vietnamese, and Laotian refugees.

Another group of Asian refugees who have had problems related to resettling in the United States are the Hmong in Philadelphia, Pennsylvania. Their resettlement, primarily in the predominantly black, low- to moderate-income area of west Philadelphia, began in 1976. Several thousand Hmong lived in west Philadelphia between 1978 and 1979; by January 1985, the number of Hmong residing in the city was less than 700. During their stay in Philadelphia, there were reports of physical assaults and verbal harassment, intimidation, vandalism, and racial taunting. Although these activities helped contribute to their exodus from Philadelphia, resettlement officials stated that the Hmong began leaving Philadelphia before incidents occurred. Other reasons given for their departure included difficulties adjusting to a large urban environment, since the Hmong formerly lived in rural mountains of Laos; employment problems; and language and cultural differences.

Some of the refugees who resettled in the United States came with job skills, but faced hostility from long-time residents in similar occupations. Examples of tension between both white and Hispanic American fishers and Vietnamese refugee fishers were reported in parts of Florida, Texas, and California. Incidents include violence, harassment, intimidation, arson, and vandalism. Problems escalated as the Vietnamese fishers, commonly lacking English-speaking skills, had difficulty communicating with American fishermen and understanding written and unwritten fishing and boating regulations. Misconceptions, cultural and language barriers, and competition in the fishing industry are major causes of the friction between Vietnamese and non-Vietnamese fishers. However, Ku Klux Klan activity in Texas supports the premise that, in some instances, the Vietnamese fishermen have been targets because of their race.

Other entrepreneurs of Asian descent who have experienced hostility from long-time residents are the Korean immigrants who have established businesses, primarily in low-income, minority neighborhoods. Tensions between residents and Korean entrepreneurs have been reported in New York City, Los Angeles, and Washington, D.C. It was reported that much of the tension has been because of the language barrier between residents and the Korean immigrants, the misconceptions about funding for the Korean businesses, the lack of employment opportunities for residents in the family-oriented Korean businesses, and cultural differences between the residents and the immigrants.

Other examples of activity against persons of Asian descent include:

- The spray-painting of the word "Jap" on the garage door of a Japanese American State legislator in California.
- The depiction of a car at an automobile exhibit in Flint, Michigan, "constructed as a caricature of a Japanese face, dropping a bomb on Detroit."
- The death of a Chinese American woman who was pushed in front of a subway train in New York City by a man who explained that he had a "phobia about Asians."

Anti-Asian activities were reported to the Commission in geographically and demographically diverse areas across the Nation. There is evidence that in some areas, public officials and residents are making concerted efforts to address and remedy problems between persons of Asian descent and non-Asian Americans.

Conclusion

Anti-Asian activity began soon after the first immigrant from Asia arrived in the United States. It surfaced in the passage of legislation limiting the activity of Asians or totally excluding them from entering the United States. These restrictions have been eliminated, and Asian Americans are protected by the panoply of civil rights laws. Nevertheless, some anti-Asian activity continues, possibly fueled in part by the marked increase in Asian arrivals to the United States since 1965.

No single factor has produced current anti-Asian behavior. It appears to be a combination of many factors, of which race is one. Other possible factors include stereotypes and myths about persons of Asian descent, cultural differences between residents and newly arrived Asians, and economic competition between residents and refugees from Southeast Asia for the same resources.

Whatever its cause, anti-Asian activity in the form of violence, harassment, intimidation, and vandalism has been reported across the Nation. Incidents occurred in every jurisdiction visited by Commission staff and in other parts of the country as well.

In the absence of systematic nationwide data, there is currently no way to determine accurately the level of activity against persons of Asian descent, or whether the number of incidents has increased, decreased, or stayed the same in recent years. The paucity of data leads to the conclusion that there needs to be a mechanism to gather statistics on a national basis, perhaps through the Bureau of Justice Statistics of the U.S. Department of Justice.

Without such data, it is impossible to draw firm conclusions about the nature and extent of anti-Asian activity. Nevertheless, the evidence presented in this report does support some tentative conclusions concerning current anti-Asian activity, which could be tested when further data are available:

- Anti-Asian activity exists in numerous and demographically different communities across the Nation.
- Racially motivated incidents against persons of Asian ancestry range from anti-Asian signs and bumper stickers to serious physical assaults.
- The establishment of businesses by persons of Asian descent has been accompanied by racial tensions.
- The evidence collected in this report suggests that one factor contributing to anti-Asian activity is economic competition between recent refugees

and immigrants and other persons in the same community.

- Although most of the offenders have not been caught, it appears that many of the occurrences involving persons of Asian descent have been instigated by persons who live or work in the victims' neighborhoods.

Regardless of the total number of incidents nationwide, the Commission believes that available evidence must be a cause for concern and that violence and other forms of anti-Asian activity must be addressed by public officials and by citizens generally. Some communities have responded to anti-Asian behavior and have made efforts to reduce tensions between persons of Asian descent and others in the community. Law enforcement agencies have established procedures for reporting and investigating racially motivated offenses. Several human relations commissions have held hearings to explore factors contributing to anti-Asian behavior. These efforts may serve as models for other communities.

The United States is a multiracial, pluralistic society built on the principles of freedom, justice, and opportunity for all. We must help to ensure that persons of Asian descent are guaranteed the rights to which they are entitled. The Commission presents this report to demonstrate the need for greater attention to the issue of anti-Asian behavior and to urge all Americans to understand the scope of this problem and to devise appropriate solutions.

Chapter 1

Immigration Laws and Related Official Action Toward Persons of Asian Ancestry

Until 1965 immigration laws and related government action discriminated against persons from Asia and their descendants. Soon after the first Asian immigrants arrived, there were attempts to bar further immigration and to exclude persons of Asian descent from American citizenship. These efforts continued for almost 100 years.

This chapter chronicles laws directed toward restricting immigration of various Asian groups and discusses the internment of Japanese Americans during World War II. It also reviews laws that opened United States borders to Asian immigration and describes acts related to the resettlement of Indochinese refugees after American military forces left Vietnam, and Saigon, the capital of South Vietnam, fell to forces from North Vietnam in 1975.

Chinese Immigration

The immigration of Chinese began in 1848, when two men and one woman landed in San Francisco,[1] commencing a flow that continued for three decades.[2] Many Chinese were recruited to work on building the railroads that connected the eastern and western parts of the United States. Almost immediately after their arrival, efforts to restrict their movement and their occupational pursuits resulted in the enactment of various laws, primarily in California.[3] For example, in 1855 California enacted a law requiring a $55 tax on every Chinese immigrant, and in 1858 a law was passed to forbid Chinese from entering the State.[4] These laws were ruled unconstitutional by the Supreme Court of the United States in 1876.[5]

During this time, popular magazines, newspapers, and even reputable encyclopedias continued to spread stereotypes about the Chinese and their personal habits.[6] Also, in the 1870s, the Nation entered a period of economic depression, and as Chinese began moving into other areas of employment, public resentment of Chinese immigrants began to spread nationally, led by labor leaders, newspapers, and politicians who accused them of driving wages to a substandard level and of taking jobs away from whites. They also blamed the Chinese for the country's economic plight.[7] The United States Congress yielded to the growing pressure by passing the Chinese Exclusion Act of 1882.[8] The act suspended further immigration of all Chinese laborers to the United States for 10 years, and it prohibited all persons of Chinese ancestry already residing here from obtaining United States citizenship after the effective date of the act.[9] An

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[1] Kil Young Zo, *Chinese Emigration Into the United States, 1850-1880* (New York: Arno Press, 1978), p. 82.

[2] Ibid.

[3] R.D. McKenzie, *Oriental Exclusion* (Chicago: University of Chicago Press, 1928), p. 10.

[4] Ibid.

[5] Chy Lung v. Freeman, 92 U.S. 275 (1875).

[6] Stuart Creighton Miller, *The Unwelcome Immigrant: The American Image of the Chinese, 1785-1882* (Berkeley: University of California Press, 1969), pp. 146-48.

[7] U.S. Commission on Civil Rights, *The Tarnished Golden Door: Civil Rights Issues in Immigration* (1980), p. 8 (hereafter cited as *The Tarnished Golden Door)*.

[8] Ch. 126, 22 Stat. 58 (1882).

[9] *Id.* An earlier bill passed by Congress to suspend the immigration of Chinese laborers for 70 years had been vetoed by President Rutherford B. Hayes. See, Stanford M. Lyman, *Chinese Americans* (New York: Random House, 1974), pp. 65-66.

1888 amendment applied the exclusion to all Chinese except officials, merchants, students, teachers, and tourists.[10] At the time of the Chinese Exclusion Act, approximately 105,000 persons of Chinese descent lived in the United States, 100,000 of whom were male.[11] Although some concern was expressed about the harshness of continuing exclusion,[12] the Chinese Exclusion Act was extended for 10 years in 1892,[13] for 2 years in 1902,[14] and indefinitely in 1904.[15] In 1905 President Theodore Roosevelt affirmed his belief in the validity of the Chinese Exclusion Act and its amendments, stating that the Chinese laborer must be kept out of this country "absolutely," with no relaxation of the law.[16]

Japanese Immigration

The Japanese began arriving in the United States just before the turn of the 20th century[17] and experienced opposition and hostility soon afterwards. For example, the *San Francisco Call* in 1892 accused them of taking work away from United States citizens.[18] It further stated that Japanese worked for very low wages, replacing thousands of white boys and girls as domestics and factory workers.[19] As with the Chinese, the anti-Japanese movement began in California and soon spread nationwide.[20] According to several accounts, most leaders of the anti-Japanese movement were active participants in the Chinese exclusion movement and tended to use similar criticisms of Japanese immigrants.[21]

With the numbers of Japanese immigrants growing[22] and sentiment against their presence spreading, pressure increased for a national policy to restrict their immigration. This time, rather than enact legislation, the United States and Japan reached the Gentleman's Agreement of 1907.[23] Under this treaty, Japan agreed not to issue passports to "skilled or unskilled" laborers except for those previously living in the United States, or to wives or children under 21 years of age of these laborers.[24] However, by permitting female immigration, the agreement allowed the formation of families in the United States, thereby enabling the continued increase in the number of persons of Japanese descent.[25]

Two acts followed that virtually stopped immigration of Japanese as well as others from Asia. The 1917 Immigration Act barred from admission any native of "islands not possessed by the United States adjacent to the Continent of Asia" or of most of the continent of Asia (excluding Persia and parts of Afghanistan and Russia).[26] This area came to be known as the "Asiatic-barred zone." The 1924 National Origins Act[27] contained two provisions designed to halt the flow of Japanese to the United States. The first of these barred the immigration of Japanese wives even if their husbands were citizens of the United States. The second provision prohibited the immigration of aliens ineligible for citizenship.[28] Because the Supreme Court of the United States had ruled earlier that persons of Japanese ancestry could not become naturalized citizens,[29] this provision in effect closed the door on Japanese and most other Asian immigration for nearly 30 years.

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[10] Ch. 1015, 25 Stat. 476 (1888).

[11] U.S. Department of Commerce, Bureau of the Census, *Historical Statistics of the United States, Colonial Times to 1970*, part 1 (1976), p. 14 (hereafter cited as *Historical Statistics of the United States).*

[12] See, for example, statement of Sen. Matthew C. Butler of South Carolina, 19 Cong. Rec. 8218 (1888), as cited in *The Tarnished Golden Door*, p. 8.

[13] Ch. 60, 27 Stat. 25 (1892).

[14] Ch. 641, 32 Stat. 176 (1902).

[15] Ch. 1630, 33 Stat. 428 (1904).

[16] Theodore Roosevelt, "Fifth Annual Message [to Congress]" (Dec. 5, 1905), *The State of the Union Messages of the Presidents, 1790–1966*, vol. III, 1905–1966, ed. Fred L. Israel (New York: Chelsea House, 1966), pp. 2177–78.

[17] McKenzie, *Oriental Exclusion*, p. 31.

[18] *San Francisco Call*, May 4, 1892, p. 8/1, as cited in Eldon R. Penrose, *California Nativism: Organized Opposition to the Japanese, 1890–1913* (San Francisco: R and E Research Associates, 1973), p. 2.

[19] *San Francisco Call*, May 4, 1892, p. 1/1, as cited in Penrose, *California Nativism*, p. 2.

[20] R.L. Buell, *Japanese Immigration* (World Peace Foundation Pamphlet, vol. 7, nos. 5 and 6, 1924), p. 287.

[21] Penrose, *California Nativism*, p. 1; Moritoshi Fukuda, *Legal Problems of Japanese Americans* (Tokyo, Japan: Keio Tsushin Co., 1980), p. 21.

[22] *Historical Statistics of the United States*, p. 14. The number of Japanese in the United States grew from 2,000 in 1890 to 24,000 in 1900. By 1910 the number had risen to 72,000, 63,000 of whom were males. It can be assumed that most of the 1910 male population was living in the United States in 1907.

[23] The Gentleman's Agreement of 1907, U.S. Department of State, *Papers Relating to the Foreign Relations of the United States 1924* (1939), vol. 2, p. 339.

[24] Ambassador Hanihara's letter to Secretary Hughes, Apr. 10, 1924, as cited in Buell, *Japanese Immigration*, p. 359.

[25] While the male Japanese population increased only slightly after 1910, the female population increased from 9,000 in 1910 to 38,000 by 1920 and 57,000 by 1930. *Historical Statistics of the United States*, p. 14.

[26] Ch. 29, §3, 39 Stat. 874 (1917). The 1917 Immigration Act did not apply to the following persons of Asian descent: government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, civil engineers, teachers, students, authors, artists, merchants, and travelers for curiosity or pleasure. *Id.* at 876–77.

[27] Ch. 190, 43 Stat. 153 (1924).

Filipino and Korean Immigration

Other Asian immigrants came to the United States later and in fewer numbers than the Chinese and Japanese. Chief among these groups were the Filipinos and Koreans. Before the 1920s, most Filipinos who came to the United States did so as students, domestics, and unskilled workers.[30] Since the Philippine Islands were at the time a territory of the United States, they were exempt from the exclusionary provisions of the 1917 Immigration Act and the 1924 National Origins Act.[31] This exemption allowed Filipinos to immigrate freely to the United States. They were recruited to work on sugar plantations in Hawaii, and few came to the mainland in the early years.[32] By 1924 only about 6,000 Filipinos lived in the continental United States.[33]

After the passage of the National Origins Act in 1924, however, there was additional pressure to recruit Filipinos as laborers on the West Coast; between 1924 and 1929, 24,000 Filipinos came to California.[34] As their numbers began to increase, so did anti-Filipino sentiment, culminating in race riots between Filipinos and whites on the West Coast in 1929 and 1930.[35] Prompting the riots was the belief that Filipinos represented "yet another Asian horde" entering the United States.[36] In 1934 Congress passed an act granting deferred independence to the Philippines, but imposing an immediate annual immigration quota of 50 persons per year.[37]

Immigration of Koreans to the United States began in the early 20th century and, as in the case of Filipinos, was limited primarily to Hawaii. Because of political chaos and poverty in Korea, approximately 7,000 Koreans emigrated to Hawaii between 1903 and 1905 seeking better working and living conditions.[38] Some Koreans then migrated to California; by 1905 approximately 1,000 Koreans lived in that State.[39] In that year, after learning of the deplorable working conditions and the low wages in other countries, and under pressure from Japan which then occupied Korea, the Korean Government banned all emigration. This in effect stopped the entry of Koreans into the United States until years later.[40]

Internment of Japanese Americans

With immigration of Asian groups virtually halted by the National Origins Act of 1924, persons of Asian descent living in the United States by the time of the Second World War were either born here or had lived here for many years. Yet, they were subject to suspicion, mistrust, and, for Japanese Americans, loss of freedom.[41]

In December 1941, Japan attacked the American naval base at Pearl Harbor, Hawaii, prompting the United States to declare war against Japan. On February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066, which authorized the Secretary of War and designated military commanders to "prescribe military areas. . .from which any or all persons may be excluded," and to provide those excluded "transportation, food, shelter, and other accommodations."[42]

Although the order did not specify that it applied only to persons of Japanese descent, its effect was to remove them, both citizens and noncitizens, from certain areas of the West Coast and place them in "relocation camps."[43] The camps were in California, Arizona, Arkansas, Idaho, Wyoming, Colorado, and Utah.[44] In 1940 there were 127,000 Americans of Japanese descent in the United States;[45] of these, 110,000 were placed in relocation camps.[46] The United States Government maintained that the relocation camps were humane and intended solely for the purpose of national security; nevertheless, the "evidence" used to justify the relocation of Japanese Americans was found to be questionable if not purposefully erroneous.[47]

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[28] *Id.* The 1924 National Origins Act also limited the entry of nonquota immigrants, except those born in Canada, Newfoundland, Mexico, Cuba, Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, to those persons who were ministers of any religious denomination or professor of a college, academy, seminary, or university. *Id.* at 155.

[29] Ozawa v. United States, 260 U.S. 178 (1922).

[30] Donald Teruo Hata, Jr., and Nadine Ishitani Hata, "Run Out and Ripped Off: A Legacy of Discrimination," *Civil Rights Digest*, vol. 9, no. 1 (Fall 1976), p. 7.

[31] Ibid., p. 8.

[32] Tricia Knoll, *Becoming Americans: Asian Sojourners, Immigrants, and Refugees in the Western United States* (Portland, Ore.: Coast to Coast Books, 1982), p. 90.

[33] Ibid., p. 91.

[34] Ibid., p. 92.

[35] Harry H.L. Kitano, *Race Relations* (Englewood Cliffs, N.J.: Prentice-Hall, 1980), p. 219.

[36] Ibid., pp. 217–18.

[37] Ch. 84, 48 Stat. 456 (1934). The provisions of the act were to take effect upon approval by the Philippine Legislature, which occurred in 1935, with a 10-year deferral on independence.

[38] Bong-youn Choy, *Koreans in America* (Chicago: Nelson-Hall, 1979), pp. 77–78.

[39] Ibid., p. 77.

[40] Ibid., p. 76.

[41] For a discussion of the forced evacuation and internment of Japanese Americans, see, Roger Daniels, *Concentration Camps USA: Japanese Americans and World War II* (Hinsdale, Ill.: Dryden Press, 1971).

[42] Exec. Order No. 9066, 3 C.F.R. 1092 (1938–43).

Many Japanese Americans who were interned considered the relocation camps to be concentration camps.[48] Those who were relocated were forced to sell their property and businesses at a fraction of their value, or attempt to hold onto them until after the war.[49] It was clear that the implementation of Executive Order 9066 was based on race; no other American ethnic groups whose countries of origin were fighting the United States (e.g., Germany, Italy) received similar treatment.[50]

During the war, questions arose about the dispersal of the evacuees after the camps closed. As early as April 1943, General John L. DeWitt, Commanding General of the Western Defense Command, who had issued the order to remove Japanese Americans to internment camps, testified before Congress:

> As far as I am concerned I am not concerned with what they do with the Japanese as a whole just so they are not allowed to return to the West Coast. My superiors know that I consider it unsafe to do so.[51]

In June 1944, President Roosevelt, in a memorandum to the Secretary of the Interior, urged a gradual dispersal of internees to various parts of the country, stating:

> I have been talking to a number of people from the Coast and they are all in agreement that the Coast would be willing to receive back a portion of the Japanese who were once there—nothing sudden and not in too great quantities at any one time.[52]

On December 17, 1944, the Director of the War Relocation Authority announced that the relocation camps would be closed within a year.[53] That agency focused chiefly on resettling Japanese Americans in the Midwest and East, but many of the detainees returned to the West Coast. Others, fearing sentiment against them and realizing their former way of life had been destroyed, stayed near the camps.[54]

After the war, the losses suffered by the Japanese American detainees, including personal wealth, residences, businesses, and farms, were estimated to be between $185 million and $400 million.[55] In 1948 Congress passed the Japanese American Evacuation Claims Act, allowing Japanese Americans to be paid for "damage to or loss of real or personal property. . .that is a reasonable and natural consequence of [their] evacuation or exclusion."[56] Specifically excluded were claims for damages or losses based on "death or personal injury, physical hardship, or mental suffering" and "loss of anticipated profits or loss of anticipated earnings," among other items.[57] The maximum an individual could be paid was $2,500,[58] and all claims were to be submitted within 18 months of the enactment of the act.[59] It was 17 years before the Federal Government completed processing all the claims; payment amounted to less than one-third of the claims for damages ($38 million of $131 million). Payment was made on the basis of 1942 dollars, without interest.[60]

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[43] Harry L. Kitano, *Japanese Americans: The Evolution of a Subculture* (Englewood Cliffs, N.J.: Prentice-Hall, 1976), pp. 32-33 Japanese immigrants were barred from obtaining citizenship, but their children who were born in the United States were, of course, automatically American citizens.

[44] Ibid., p. 33.

[45] *Historical Statistics of the United States*, p. 14.

[46] William Peterson, *Japanese Americans: Oppression and Success* (New York: Random House, 1971), p. 67.

[47] See, for example, Edward J. Ennis, director, Alien Enemy Control Unit, U.S. Department of Justice, memorandum to Herbert Wechsler, Sept. 30, 1944, cited as appendix in Korematsu v. United States, 584 F. Supp. 1406, 1422 (N.D. Cal. 1984).

[48] Kitano, *Japanese Americans*, pp. 34-35; Daniels, *Concentration Camps USA*.

[49] Daniels, *Concentration Camps USA*, p. 168.

[50] Commission on Wartime Relocation and Internment of Civilians, *Personal Justice Denied* (Washington, D.C.: Government Printing Office, 1982), p. 3.

[51] General J.L. DeWitt, testimony before a House committee, April 1943, cited in Daniels, *Concentration Camps USA*, p. 155.

[52] Franklin D. Roosevelt, President, memorandum to Acting Secretary of State and Secretary of the Interior, June 12, 1944, as cited in *Concentration Camps USA*, p. 153.

[53] Peterson, *Japanese Americans*, pp. 90-91.

[54] Franklin C.L. Ng, "Asian-Americans and Pacific Islanders: A Neglected Aspect of the American Cultural Mosaic," in *American Ethnics and Minorities*, ed. Joseph M. Collier (Los Alamitos, Calif.: Hwong Publishing, 1978), pp. 347-48.

[55] Commission on Wartime Relocation and Internment of Civilians, *Personal Justice Denied, Part II: Recommendations* (Washington, D.C.: Government Printing Office, 1983), p. 5 (hereafter cited as *Personal Justice Denied, Part II)*; Daniels, *Concentration Camps USA*, p. 168.

[56] Ch. 814, 62 Stat. 1231 (1948).

[57] *Id.*, §2(b).

[58] *Id.*, §4(b).

[59] *Id.*, §2(a).

In 1980 Congress established a Commission on Wartime Relocation and Internment of Civilians to examine the facts related to internment of American citizens and permanent resident aliens of Japanese descent and to recommend appropriate remedies.[61] In addition to the uncompensated loss of income and property by Americans of Japanese ancestry who were interned:[62]

> The ethnic Japanese suffered the injury of unjustified stigma that marked the excluded. . . .No amount of money can fully compensate the excluded people for their losses and sufferings.[63]

In 1983 the Wartime Relocation and Internment Commission reported that the Nation should "provide remedies for violations of our own laws and principles" and be reminded of its "lapses from our constitutional commitment to liberty and due process" in times of stress.[64] The Commission recommended that the Federal Government take a number of actions, including an official apology, pardon for persons convicted of violating Executive Order 9066, and establishment of a $1.5 billion fund for educational purposes, from which a per capita payment of $20,000 for each of approximately 60,000 survivors of the camps would be made.[65] In response to this, an act to provide reparation was introduced in the Congress. The current version of the bill would provide $1.5 billion for reparations and pubic education.[66]

At the time of evacuation, there was conflicting evidence that Japanese Americans living on the West Coast constituted a "clear and present danger" to the American war effort. Nevertheless, Japanese who refused to leave the designated areas were arrested and charged with violating the law.[67] In a landmark case, the Supreme Court of the United States in 1944 upheld the conviction of a Japanese American who remained in a forbidden zone and refused to report to an established "Assembly Center." The Supreme Court found his arrest and conviction to be an appropriate use of governmental authority.[68] It was not until 32 years later that President Gerald Ford officially rescinded the Executive order that had required the removal of Japanese Americans from the designated military zones.[69] In 1983 Fred Korematsu filed suit in the U.S. District Court for the Northern District of California to have his 1942 conviction overturned because information necessary for his case had been withheld intentionally from the court. The court, in setting aside his conviction, noted that withholding relevant evidence was sufficient justification for doing so.[70]

Ending Discriminatory Barriers

It was also during the Second World War that the United States Congress began to chip away at the discriminatory barriers to Asian immigration imposed by earlier statutes. In 1943 the Chinese Exclusion Act was repealed, allowing a quota of 105 Chinese to immigrate annually to the United States, according to the provisions of the National Origins Act. The act also permitted Chinese residents to become naturalized citizens.[71] In 1952 the Immigration and Nationality Act (commonly called the McCarran-Walter Act),[72] superseded previous laws and unified them under a single statute establishing three principles for immigration policy:

1. the reunification of families;
2. the protection of the domestic labor force; and
3. the immigration of persons with needed skills.[73]

This act allowed for the naturalized citizenship of any person regardless of race, thus making immigrants from Japan, Korea, and other parts of Asia eligible for citizenship for the first time.[74] It also repealed the outright exclusion of immigrants from Asia, although the national origins system continued to discriminate against these groups,[75] so that few persons from Asia were allowed to enter the United States. One of the most onerous aspects of the bill as it related to Asians was the requirement that a person who was at least one-half Asian, regardless of place of birth, be counted against the quota of the Asian country. A similar requirement did not apply to immigrants from other countries or of other geographic origins.[76]

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[60] Daniels, *Concentration Camps USA*, pp. 168–69.

[61] *Personal Justice Denied, Part II*, p. 1.

[62] Ibid., p. 5.

[63] Ibid., p. 6.

[64] Ibid.

[65] Ibid., pp. 8–9.

[66] H.R. 442, 99th Cong., 1st Sess. (1985). Hearings were held on the bill by the Subcommittee on Administrative Law and Government Relations of the House Judiciary Committee on Apr. 28, 1986. Several Members of Congress testified in favor of the bill, including Reps. Norman Y. Mineta, Robert T. Matsui, Mike Lowry, and Mervyn M. Dymally and Sens. Spark Matsunaga and Daniel K. Inouye, as well as representatives of a number of organizations, including the American Bar Association, the American Civil Liberties Union, the Anti-Defamation League of B'nai B'rith, the Japanese American Citizens League, and the Commission on Wartime Relocation and Internment of Civilians. Testifying against the bill were Reps. Daniel E. Lungren and Samuel S. Stratton, the U.S. Department of Justice, and several individuals involved in the relocation effort.

[67] Korematsu v. United States, 584 F. Supp. 1406 (N.D. Calif. 1984).

[68] Korematsu v. United States, 323 U.S. 214 (1944).

[69] Proclamation No. 4417, 3 C.F.R. 8 (1977).

[70] Korematsu v. United States, 584 F. Supp. 1406, 1419 (N.D. Calif. 1984).

[71] Ch. 344, 57 Stat. 600 (1943).

[72] Ch. 477, 66 Stat. 163 (1952).

[73] *The Tarnished Golden Door*, p. 11.

Bipartisan objections were raised to the bill in part because it continued to discriminate against persons from the Asian continent and Pacific Islands.[77] In his message to Congress vetoing the bill, President Truman stated:

> I want all our residents of Japanese ancestry, and all our friends throughout the Far East, to understand. . .[that] I cannot. . .strike down the bars that prejudice has erected against them, without, at the same time, establishing [immigration quotas that discriminate] against the peoples of Asia. . . .[78]

President Truman also objected to the continuation of the quota system as being "insulting to large numbers of our finest citizens, irritating to our allies abroad, and foreign to our purposes and ideals." Regarding the new quotas for Asians, he remarked:

> The countries of Asia are told in one breath that they shall have quotas for their nationals, and in the next that the nationals of the other countries, if their ancestry is as much as 50 percent Asian, shall be charged to these quotas. It is only with respect to persons of oriental ancestry that this invidious discrimination applies.[79]

Congress overrode the President's veto, and the Immigration and Nationality Act became law.

The admission of Hawaii as the 50th State reflected acceptance by the United States of residents of Asian descent. The House of Representatives had passed statehood bills on several occasions, the first time in 1947, but the Senate had not voted on the measure. Finally, in 1959, both houses of Congress approved the bill overwhelmingly, and President Eisenhower signed it into law on March 3, 1959.[80]

In 1965 Congress took a major step toward providing Asians the opportunity to become Americans. The 1965 amendment to the 1952 Immigration and Nationality Act abolished the national origins system, setting an annual quota of 170,000 immigrants from the Eastern Hemisphere, with no more than 20,000 from any one country.[81] As the Judiciary Committee of the House of Representatives reported:

> The only remaining discriminatory provision requiring that an Asian person be charged to the quota of [the country of] his ancestry, even though born outside of the Asian area, is repealed immediately by this legislation and thus the last vestige of discrimination against Asian persons is removed from immigration laws.[82]

The 1965 act based immigration on a "first come, first admitted" basis, without regard to country of origin, subject only to overall limits in seven broad categories of preference, based chiefly on relationship to citizens or permanent resident aliens in the United States or on potential contribution of applicants to American society:

(1) Unmarried sons or daughters of United States citizens (20 percent).

(2) Spouse or unmarried sons or daughters of permanent resident aliens (20 percent, plus any unused portion of (1)).

(3) "[M]embers of the professions," or others who have "exceptional ability in the sciences or

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[74] Ch. 477, 66 Stat. 163, §311 (1952). Chinese immigrants had been eligible for citizenship since 1943.

[75] The national origins system provided that the number of immigrants from a particular country could not exceed a certain percentage of persons from that country already living in the United States. Because of the early exclusion of Asians, the national origins system continued to discriminate against Asians who wished to immigrate to the United States. For example, only 105 Chinese, 185 Japanese, and 100 Koreans were allowed to immigrate each year. U.S. Congress, House of Representatives, Committee on the Judiciary, *Revising the Laws Relating to Immigration, Naturalization, and Nationality*, 82d Cong., 2d Sess., 1952, H.R. Rept. 1365, p. 30.

[76] Ch. 477, 66 Stat. 163, §202(b) (1952).

[77] U.S. Congress, Senate, Committee on the Judiciary, *Revision of Immigration and Nationality Laws*, 82d Cong., 2d Sess., 1952, S. Rept. 1137, part 2 (Minority View), p. 1.

[78] Message from the President of the United States, returning without approval the Bill (H.R.5678) to Revise the Laws Relating to Immigration and Nationality, and for other Purposes, H.R. Doc. No. 520, 82d Cong., 2d Sess. (1952).

[79] Ibid.

[80] Hawaii—Admission into Union, Pub. L. No. 86-3, 76 Stat. 4 (codified at 48 U.S.C. Ch. 3 (1982 & Supp. I (1983)).

[81] Pub. L. No. 89-236, 79 Stat. 911 (1965) (codified in scattered sections of 8 U.S.C.). The act did not set quotas for individual Western Hemisphere countries, but there was an overall quota of 120,000 for the Western Hemisphere. *Id.*

[82] U.S. Congress, House of Representatives, Committee on the Judiciary, *Amending the Immigration and Nationality Act, and for Other Purposes*, 89th Cong., 1st Sess., 1965, H.R. Rept. No. 745, p. 14.

the arts [and who] will substantially benefit prospectively the national economy, cultural interest, or welfare of the United States" (10 percent).

(4) Married sons or daughters of United States citizens (10 percent, plus any unused portion of (1) and (2)).

(5) Brothers or sisters of United States citizens (24 percent, plus any unused portion of (1), (2), and (4)).

(6) Those "who are capable of performing specified skilled or unskilled labor, not of a temporary or seasonal nature, for which a shortage of employable and willing persons exists in the United States" (10 percent).

(7) Refugees, who flee "a Communist or Communist-dominated country" or an area of the Middle East, due to "fear of persecution [because of their] race, religion or political opinion" and cannot return; or who are "uprooted by catastrophic natural calamity as defined by the President who are unable to return to their usual place of abode."[83]

The abolition of the national origins system and the establishment of higher quotas resulted in the immigration of Asians to the United States in record numbers.[84] Between 1966 and 1983, a million and a half people immigrated from China, Taiwan, Japan, Hong Kong, Korea, and the Philippine Islands.[85]

Settlement of Indochinese Refugees

The 1965 amendments allowed for conditional entry of 10,200 refugees per year under the seventh preference category. With the defeat of South Vietnam in 1975, however, it was clear that far greater numbers of Indochinese would need the protection of asylum in other countries. During 1975 alone, 130,000 Vietnamese, Laotians, and Cambodians came to the United States. Prior to 1980, these refugees were admitted through the parole authority of the Attorney General.[86] Parole authority was originally intended to allow for the temporary admission of individuals who were not necessarily eligible for immigration, but whose entrance was considered necessary, for example, to receive medical attention. It has been used on numerous occasions, however, to allow for the entry of large numbers of refugees who otherwise could not have been admitted.[87] Since parolees are not legal residents, special legislation is required to confer upon them the right to become permanent residents. In the case of those from Indochina who arrived before January 1, 1979, Congress in 1977 authorized the Attorney General to grant them permanent residence status if they applied for such status after 2 years' residence.[88] In 1978 this authorization was extended to those arriving before September 30, 1980.[89] Under this legislation, nearly 270,000 persons from Indochina were admitted as parolees.[90]

In response to the continued arrival of refugees from Indochina, Congress passed the Refugee Act of 1980.[91] Its objectives were:

> to provide a permanent and systematic procedure for the admission to this country of refugees of special humanitarian concern to the United States, and to provide comprehensive and uniform provisions for the effective resettlement and absorption of those refugees who are admitted.[92]

The act broadened the definition of refugee to include persons who are persecuted or who are afraid of persecution "on account of race, religion, nationality, membership in a particular social group, or political opinion" if they remain in the country where they are living or, for those who are outside their homeland, if they return there.[93] The Refugee Act also allowed Indochinese to change their status from parolee to permanent resident after 1 year.[94] The act established the maximum number of refugees at 50,000 for each fiscal year, unless the President notifies the Congress that additional refugees should be admitted for humanitarian reasons.[95] As of September 30, 1984, nearly 300,000 persons from Vietnam, Laos, and Cambodia had been admitted under the provisions of the Refugee Act.[96]

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[83] Pub. L. No. 89-236, §3, 79 Stat. 911, §203(a).

[84] Charles B. Keely, "Effect of the Immigration Act of 1965 on Selected Population Characteristics of Immigrants to the United States," *Demography*, vol. 8, no. 157 (1971), p. 16.

[85] U.S. Department of Justice, Immigration and Naturalization Service, *1981 Statistical Yearbook of the Immigration and Naturalization Service* (1984), pp. 34–35; Blanche V. Shanks, management assistant, Immigration and Naturalization Service, U.S. Department of Justice, "Information on the Immigrants Admitted Into the U.S. in Fiscal Years 1972–1983" (undated) (unpublished).

[86] 8 U.S.C. 1103(a) (1982). For a discussion of the use of parole authority as it relates to Indochinese, see Comment, "Refugee-Parolee: The Dilemma of the Indochina Refugee," 13 *San Diego L. Rev.* 171–91 (1975) (hereafter cited as "The Dilemma of the Indochina Refugee").

[87] "The Dilemma of the Indochina Refugee," at 179–82. Statutory authority for parole was granted by the 1952 Immigration and Naturalization Act, Ch. 477, 66 Stat. 163, §212(d)(5) (1952). Although parolee status is statutorily different from refugee status, parolees admitted under special legislation are generally considered refugees. This report uses the term "refugees" to describe persons admitted either as parolees or refugees.

[88] Pub. L. No. 95-145, §101(a), 91 Stat. 1223 (codified at 8 U.S.C. §§1255 n., 1101 n., and 1182, 22 U.S.C. §§2601, 42 U.S.C. §601 (1982)).

[89] Pub. L. No. 95-412, §5, 92 Stat. 909 (codified as amended at 8 U.S.C. §§1101, 1151-1153, 1182, and 5 U.S.C. §5701 (1982)).

[90] U.S. Department of Health and Human Services, Social Security Administration, Office of Refugee Resettlement, *Refugee Resettlement Program* (1985), p. A–1 (hereafter cited as *Refugee Resettlement Program).*

[91] Pub. L. No. 96-212, 94 Stat. 102 (codified in scattered sections of 8 U.S.C.).

[92] *Id.*, §101(b).

Summary

For nearly a hundred years, laws restricted the immigration of persons from Asia. Discriminatory treatment toward Asians was reflected in the internment of thousands of Japanese Americans during the Second World War. Toward the close of the Second World War, however, bars to full citizenship began to fall, and by 1965 specific restrictions on Asian immigration were eliminated. As a result of the liberalization of immigration laws, the number of persons of Asian descent has increased substantially. Adding to that number are Indochinese refugees who have been admitted as a humanitarian gesture on the part of the United States since the fall of Saigon in 1975. The next chapter presents current population, geographic, and socioeconomic data on United States citizens and residents of Asian descent.

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[93] *Id.*; §201(a) of the Refugee Act of 1980 amended §101(a)(42) of the Immigration and Nationality Act to read:

> The term refugee means
>
> (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and who is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or
>
> (B) in such special circumstances as the President after appropriate consultation (as defined in section 207(e) of this Act) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term "refugee" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

[94] 8 U.S.C. §1255 (1982).

[95] 8 U.S.C. 1157.

[96] *Refugee Resettlement Program*, p. A-1. Although refugees from other countries have been admitted under the act, Indochinese make up a substantial majority. For example, in fiscal year 1984 (October 1983-September 1984), nearly three-quarters (73.7 percent) of all refugees admitted were from Indochina. Ibid., p. A-2.

Chapter 2

Demography of Persons of Asian Descent

This chapter describes the population and geographic distribution of Americans of Asian and Pacific Island descent, and of recent Asian immigrants and Indochinese refugees. The specific Asian ethnic groups considered in this report are: Cambodian (Kampuchean), Chinese, Filipino, Hmong,[1] Japanese, Korean, Laotian, Vietnamese, and Pacific Islander (Hawaiians, Samoans, Guamanians, Fijians, and others).[2]

The first section of this chapter covers the geographic distribution of Asian and Pacific Island Americans,[3] drawn largely from 1980 census data. The second section presents data on Indochinese refugees and immigrants. These data are from the Immigration and Naturalization Service (Department of Justice) and the Office of Refugee Resettlement (U.S. Department of Health and Human Services) and include both published and unpublished material. The third section discusses socioeconomic data from the 1980 census on various Asian groups relative to whites and notes other indicators of participation of Asian groups in our society.

Geographic Distribution

The 1970 census counted 1.5 million persons of Asian or Pacific Island origin or descent, 0.8 percent of the total United States population. By 1980 this population had grown to 3.7 million and was 1.6 percent of the total population, making the group one of the fastest growing populations during the decade.[4] The U.S. Bureau of the Census cites two factors accounting for this increase: continued immigration of persons from Asia and the Pacific Islands during the 1970s and changes in the census definition,[5] which now includes some additional newly arrived groups.[6]

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[1] When statistics for Hmong are not presented separately, they are included with Laotians. There are several distinct ethnic groups in Laos speaking different languages or dialects. The Hmong are one such group, as are the Yao, the Mon-Khmer, and the Laotians (the majority group), among others. In Cambodia the Khmers are 85 percent of the population; other groups there include Chinese and Vietnamese. Vietnamese ethnics are 80 percent of the population of Vietnam, but other groups there include Chinese, Thai, Muong, Nung, Hmong, and Montagnards. Mary Bowen Wright, "Indochinese," *Harvard Encyclopedia of American Ethnic Groups*, ed. Stephan Thernstrom (Cambridge: Harvard University Press, 1980), p. 509.

[2] This report does not specifically focus on Asian groups that did not report significant problems of violence, harassment, or intimidation, including Asian Indian, Bangladeshi, Burmese, Sri Lankan, Indonesian, Malayan, Okinawan, Pakistani, Thai, and those Asians who did not specify their ethnic group in the 1980 census. However, these groups are included in the "other Asians" category in the tables and in statistics presented for the total Asian and Pacific Islander population.

[3] The official Census designation is "Asian and Pacific Islander," which is defined as a "person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands." U.S. Department of Commerce, "Directive No. 15. Race and Ethnic Standards for Federal Statistics and Administrative Reporting," 43 Fed. Reg. 19269 (May 4, 1978). In this report the terms "Asian and Pacific Island Americans" and "persons of Asian descent" (or ancestry) are used interchangeably. Further, for statistical purposes, members of various Asian ethnic groups are included in the category all Asian and Pacific Islanders. Thus, persons of Chinese, Japanese, Filipino, and Vietnamese descent are all included in the racial category "Asian and Pacific Island American," although they are discussed as separate ethnic groups in the report.

[4] U.S. Department of Commerce, Bureau of the Census, *Asian and Pacific Islander Population by State: 1980* (1983), p. 1 (hereafter cited as *Asian and Pacific Islander Population by State: 1980)*. In 1980 Asian Americans were 93 percent of the Asian and Pacific Island American population (3,466,421 of 3,726,440 persons total), while Pacific Islanders were the remaining 7 percent. (Pacific Island Americans include persons of Polynesian, Micronesian, and Melanesian background with origin or descent from such places as Hawaii, Samoa, Tonga, Guam, and Fiji.) Ibid., p. 2.

Asian Americans are not distributed evenly throughout the United States (figure 1). Sixty percent of Asian and Pacific Island Americans, immigrants, and refugees reside in three States: California (35 percent), Hawaii (16 percent), and New York (9 percent).[7] (See table B-1 in appendix B.) Hawaii is unique in that it is the only State in which Asian and Pacific Island Americans are in the majority, forming 61 percent of the population. In California they are 5.5 percent of the population. In each of the 48 other States and the District of Columbia, they are less than 3 percent of the total population.[8] Only seven States had Asian and Pacific Island American populations of 100,000 or more (based on 1980 data): California, Hawaii, New York, Illinois, Texas, Washington, and New Jersey.[9]

With regard to region, Asian and Pacific Island Americans are concentrated in the West (where they are 5 percent of the total population), followed by the Northeast (where they are 1.2 percent of the population). In each of the two remaining regions, North Central and South, less than 1 percent of the population is of Asian and Pacific Island descent.[10]

Despite their small numbers overall, the Asian and Pacific Island American population is diverse, comprising a large number of national origin, ethnic, and language groups in addition to different cultural and religious groups. In fact, the 1980 census reports information on 19 Asian ethnic populations and numerous Pacific Islander populations (see table B-2 in appendix B).[11]

The Asian and Pacific Island American population has increased quite dramatically partly because of increased immigration stemming from changes in immigration law. The 1965 amendments to the 1952 Immigration Act resulted in larger numbers of immigrants overall, and in a larger proportion of immigrants from Asia.[12] In addition to increasing the number of persons of Asian descent in the United States, the amendments have also had the effect of altering the composition of the Asian and Pacific Island American population from 1970 to 1980, as groups that had been less numerous began coming to the United States in larger numbers.[13] Another factor that contributed to changes in the population composition was the entry of 415,225 Southeast Asian refugees who arrived between spring 1975 and September 1980.[14]

Persons of Chinese descent were the single most populous Asian American group in 1980, followed by persons of Filipino and Japanese descent (table 1). Ten years earlier Japanese Americans were the single most populous group, followed by persons of Chinese and Filipino descent. In 1980 these three groups were 62 percent of the Asian and Pacific Island American population, compared with 89 percent in 1970.[15]

Specific Asian and Pacific Island American groups are concentrated in a handful of States, often different States for each group. Table 2 shows the distributions from State to State for the five most populous Asian American groups. California is the State with the greatest number of each of the five groups—Chinese, Filipino, Japanese, Korean, and Vietnamese. New York has the second largest population of Chinese and Koreans, while Hawaii is second in the number of Filipinos and Japanese, and Texas is second in the number of Vietnamese.

Indochinese Refugees and Immigrants

The entry of significant numbers of Indochinese refugees began in 1975 when South Vietnam fell. From April 1975 through September 1984, the

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[5] Ibid., p. 6. Census procedures for enumerating Asians and Pacific Islanders changed from 1970 to 1980. In 1970 Asian Indians were counted as "white," but by 1980 they were included in the "Asian and Pacific Islander" category. Also, several groups that were included in the "other" race category in 1970 were added to the "Asian and Pacific Islander" category in 1980. These groups include: Vietnamese, Guamanian, Samoan, Cambodian, Pakistani, and Fijian.

[6] Ibid., p. 1.

[7] Ibid.

[8] Ibid., p. 8.

[9] Ibid., p. 1.

[10] Ibid., p. 8.

[11] Ibid., p. 5.

[12] Harry S. Shryock, Jacob S. Siegel, and Associates, *The Methods and Materials of Demography*, condensed ed. (New York: Academic Press, 1976), p. 150.

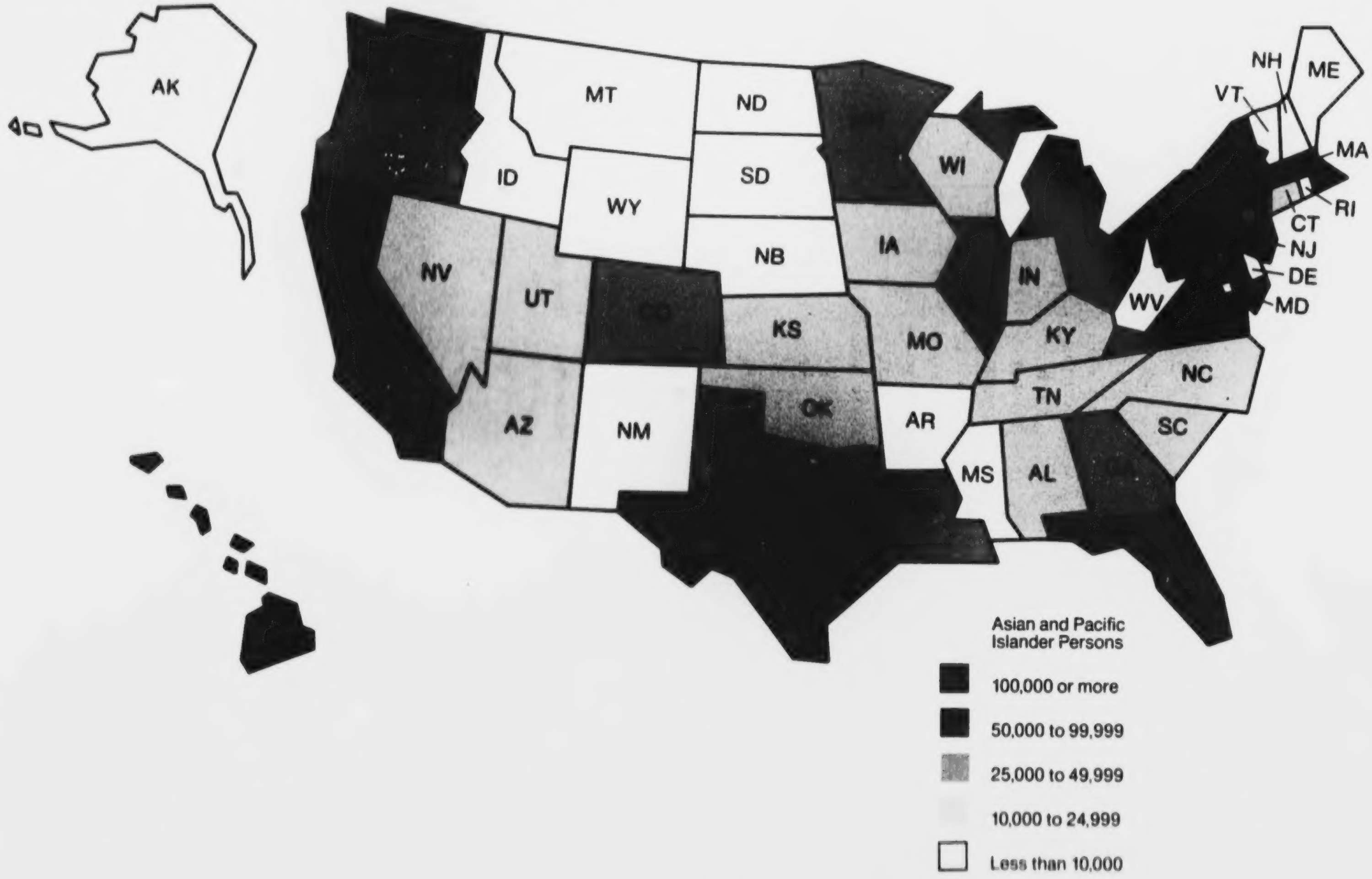
[13] For example, few persons of Korean or Filipino descent lived in the United States prior to 1965, but after the 1965 changes in immigration laws, their numbers increased rapidly. The proportion of Americans of Japanese descent, on the other hand, declined, in part because there were fewer immigrants from Japan.

[14] U.S. Department of Health and Human Services, Social Security Administration, Office of Refugee Resettlement, *Refugee Resettlement Program* (1985), p. A-1 (hereafter cited as *Refugee Resettlement Program (1985)*).

[15] However, much of the proportional decline from 1970 to 1980 is due to procedural changes in the 1980 census. See footnote 5.

FIGURE 1

Number of Asians and Pacific Islanders by State, 1980


AK
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DE
IN
UT
WV
MD
KS
KY
MO
NC
TN
OK
AR
AZ
NM
SC
MS
AL
Asian and Pacific Islander Persons
100,000 or more
50,000 to 99,999
25,000 to 49,999
10,000 to 24,999
Less than 10,000

Source: U.S. Department of Commerce, Bureau of the Census, *Asian and Pacific Islander Population by State: 1980* (1983), p. iv.

TABLE 1
Asian and Pacific Islander Population by Group, 1980 and 1970[1]

	1980	
Group	**Number**	**Percent**
TOTAL	3,725,987	100.0
Chinese	812,178	21.8
Filipino	781,894	21.0
Japanese	716,331	19.2
Asian Indian	387,223	10.4
Korean	357,393	9.6
Vietnamese	245,025	6.6
Hawaiian	172,346	4.6
Laotian	47,683	1.3
Thai	45,279	1.2
Samoan	39,520	1.1
Guamanian	30,695	0.8
Cambodian (Kampuchean)	16,044	0.4
Pakistani	15,792	0.4
Indonesian	9,618	0.3
Tongan	6,226	0.2
Hmong	5,204	0.1
Fijian	2,834	0.1
All other Asian	26,757	0.7
All other Pacific Islander	7,945	0.2

	1970[2]	
Group	**Number**	**Percent**
TOTAL	1,526,106	100.0
Japanese	588,324	38.6
Chinese	431,583	28.3
Filipino	336,731	22.1
Hawaiian	99,958	6.5
Korean[3]	69,510	4.6

[1] Data based on a sample (approximately 19 percent) of census data.
[2] Data for other groups for 1970 are not available.
[3] The State of Alaska is excluded in 1970 data on the Korean population.
Sources: Adapted from U.S. Department of Commerce, Bureau of the Census, *Asian and Pacific Islander Population by State: 1980* (1983), pp. 2, 4; and U.S. Department of Health, Education, and Welfare, *A Study of Selected Socio-Economic Characteristics of Ethnic Minorities Based on the 1970 Census*, vol. II, *Asian Americans* (1974), p. 146.

United States admitted more than 710,000 Southeast Asian refugees.[16] The admission of Southeast Asian refugees continues, with about 4,000 persons entering each month.[17] Although the United States is not the only country that has resettled Indochinese refugees, it has admitted more than all other countries of destination combined (see table B-3 in appendix B).

The vast majority of Southeast Asians have entered the United States as refugees rather than immigrants (see table 3). Fiscal year 1978 was the first year in which Southeast Asian refugees were eligible to become permanent resident aliens, and it appears that a large percentage of Southeast Asian refugees have altered their status when eligible. After a waiting period of at least 5 years, the permanent resident alien may apply for citizenship.

In recent years, most of the refugees entering the United States have been from East Asia, and most of the East Asian refugees have been from Southeast Asia specifically (i.e., Vietnam, Cambodia, and Laos). Although most Indochinese refugees are Vietnamese, the proportion of Cambodians and Laotians has been increasing in recent years, particu-

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[16] *Refugee Resettlement Program (1985)*, p. 7 and p. A-1, table 1. In this report Southeast Asians and Indochinese refer to persons from Vietnam, Laos, and Cambodia, regardless of their ethnic origin (for example, ethnic Chinese from Vietnam).

[17] Estimate from Linda W. Gordon, chief statistician, Office of Refugee Resettlement, U.S. Department of Health and Human Services, telephone interview, Feb. 7, 1985.

TABLE 2
Ranking of States by Population of Various Asian and Pacific Islander Ethnic Groups, 1980[1]

Chinese	**Number**	**Filipino**	**Number**	**Japanese**	**Number**
1. California	322,340	1. California	357,514	1. California	261,817
2. New York	148,104	2. Hawaii	133,964	2. Hawaii	239,618
3. Hawaii	56,260	3. Illinois	43,839	3. Washington	26,369
4. Illinois	28,590	4. New York	33,956	4. New York	24,524
5. Texas	25,459	5. New Jersey	24,377	5. Illinois	18,550
6. Massachusetts	25,015	6. Washington	24,363	6. Texas	10,502
7. New Jersey	23,366	7. Virginia	18,901	7. New Jersey	9,905
8. Washington	18,113	8. Texas	15,096	8. Colorado	9,858
9. Maryland	14,485	9. Florida	14,212	9. Oregon	8,429
10. Florida	13,471	10. Michigan	11,162	10. Michigan	5,859
U.S. TOTAL	806,027	U.S. TOTAL	774,640	U.S. TOTAL	700,747

Korean	**Number**	**Vietnamese**	**Number**	**Total Asian and Pacific Islander**	**Number**
1. California	103,891	1. California	89,587	1. California	1,312,973
2. New York	34,157	2. Texas	29,112	2. Hawaii	590,659
3. Illinois	23,890	3. Louisiana	10,877	3. New York	330,972
4. Hawaii	17,948	4. Virginia	10,000	4. Illinois	172,213
5. Maryland	15,087	5. Washington	9,833	5. Texas	134,428
6. Texas	13,997	6. Pennsylvania	9,257	6. Washington	111,607
7. Washington	13,077	7. Florida	7,592	7. New Jersey	109,383
8. New Jersey	12,845	8. Illinois	7,025	8. Virginia	70,569
9. Virginia	12,550	9. New York	6,644	9. Pennsylvania	70,514
10. Pennsylvania	12,503	10. Minnesota	5,866	10. Maryland	67,949
U.S. TOTAL	354,529	U.S. TOTAL	261,714	U.S. TOTAL	3,726,440

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[1] Data based on a sample (approximately 19 percent) of the 1980 census.

Source: Adapted from Washington State Commission on Asian American Affairs, *Countdown: A Demographic Profile of Asian and Pacific Islanders in Washington State* (1982), p. 13.

TABLE 3
Total Southeast Asian Immigrants and Refugees by Status, Fiscal Years 1975–82

	1975	1976[1]	1977	1978	1979	1980	1981	1982
Refugees	130,400	14,500	2,600	20,400	80,700	166,700	132,500	73,327
Immigrants[2]	3,233	4,519	4,992	2,084	6,651	4,338	1,828	3,010
TOTAL	133,633	19,019	7,592	22,484	87,351	171,038	134,328	76,337

[1] Includes transitional quarter.

[2] In this table figures for immigrants do not include those persons who arrived as refugees and later changed to immigrant (permanent resident alien) status. Hence, figures refer to status at port of entry.

Sources: Estimates of refugees (1975–82) and immigrants (1978–81) from Linda W. Gordon, chief statistician, Office of Refugee Resettlement, U.S. Department of Health and Human Services, telephone interview, Feb. 7, 1985. Figures for immigrants (1975–77) from U.S. Department of Justice, Immigration and Naturalization Service, *1981 Statistical Yearbook of the Immigration and Naturalization Service* (1984), pp. 34–35. Figures for immigrants (1982) from Blanche V. Shanks, management assistant, Immigration and Naturalization Service, U.S. Department of Justice. "Detail Run 401, Immigrant Aliens Admitted by Class of Admission and Country of Birth, Fiscal Year 1982" (no date) (unpublished).

larly since 1980. (See figure 2 and table 4.) During the 1984 fiscal year (which began October 1, 1983), 48 percent of the Southeast Asian refugee arrivals were from Vietnam, 38 percent from Cambodia, and 14 percent from Laos.[18]

According to two researchers:

> One of the major goals of the Federal Resettlement Program was to spread the economic and social impact of the refugees as evenly as possible throughout the nation. Conventional adaptation theory holds that a geographic distribution which reduces contact among members of an immigrant group, while promoting maximum contact between the immigrants and native-born Americans, tends to stimulate economic and cultural adaptation.[19]

For these reasons, in 1982 the Federal Government began to require resettlement agencies to place refugees in areas without large numbers of previous refugee arrivals. The reunification of immediate family members (spouse, parent, sibling, son, or daughter) is, however, permitted in areas that already have large numbers of refugees (areas referred to in the 1982 amendments to the Refugee Act as "impacted").[20] For example, nearly all initial placements of refugees in California represent family reunification.[21]

Despite the goal of geographic distribution, refugees reside chiefly in specific States and localities, partly because of reunification of refugee families and partly because of secondary migration, or change of residence after initial placement. For example, although a lower proportion of initial placements of refugees have been made in California relative to earlier years, secondary migration has increased the proportion of refugees ultimately settling there. Reasons suggested for this secondary migration include greater training and employment opportunities, as well as other benefits, a warmer climate, and the fact that relatives and ethnic communities already are there.[22]

The initial resettlement and secondary migration of Indochinese refugees has led to the grouping of refugees within specific States. As shown in table 5, California has the largest population of Indochinese refugees, with 40 percent of Southeast Asian refugees living there. About 73 percent reside in the 10 States with the largest numbers of refugees. Table 5 also shows that about 52 percent of Southeast Asian refugees live in three States: California, Texas, and Washington. Many Southeast Asian refugees have lived in these three States since 1980.[23] (Table B-4

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[18] *Refugee Resettlement Program (1985)*, p. 9.

[19] Jacqueline Desbarats and Linda Holland, "Indochinese Settlement Patterns in Orange County," *Amerasia Journal*, vol. 10 (Spring/Summer 1983), pp. 23–24.

[20] Refugee Assistance Amendments of 1982, Pub. L. No. 97-363, 96 Stat. 1735 (codified at 8 U.S.C. §§1101, 1522-24 (1982)). For definition and discussion of "impacted" areas, see 48 Fed. Reg. 55300-02, 55339-40 (to be codified at 45 C.F.R. Part 400).

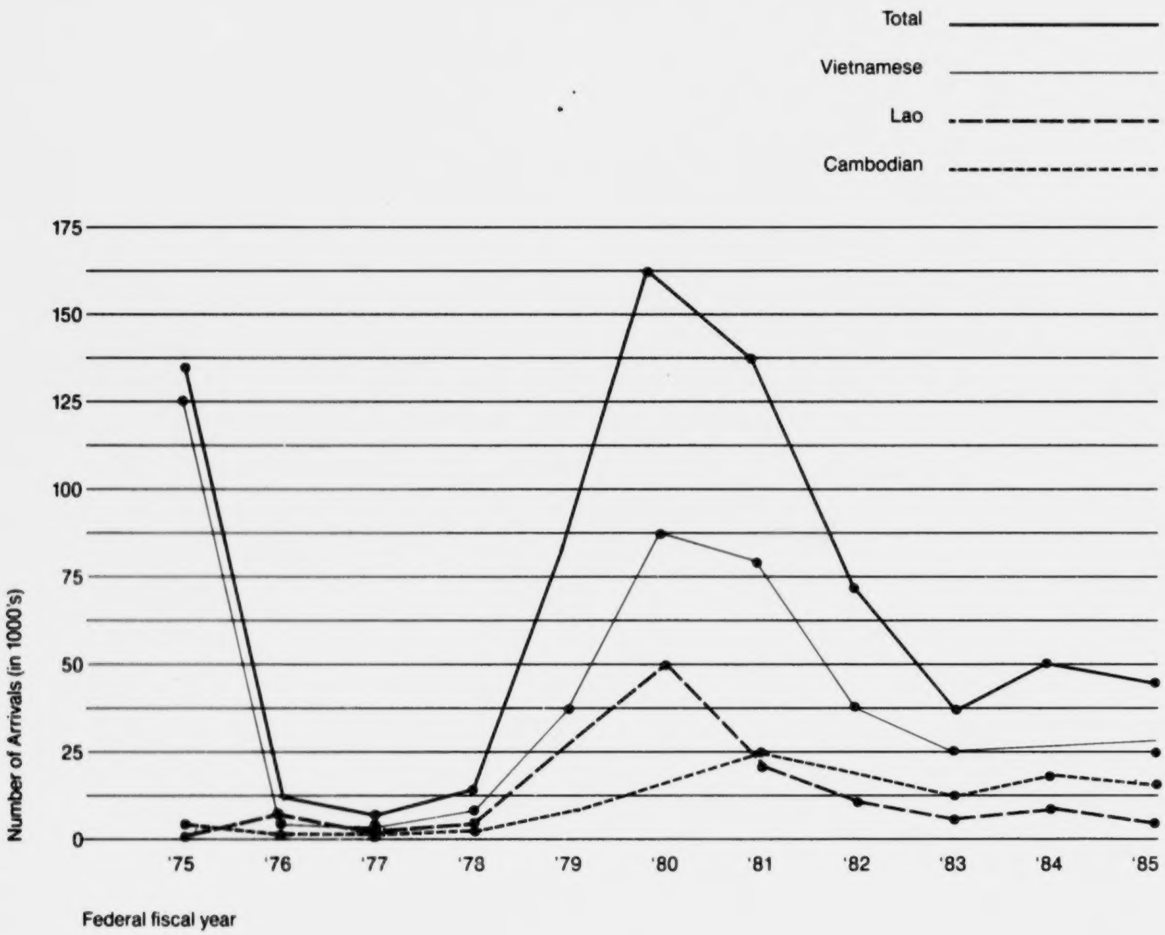
[21] U.S. Department of Health and Human Services, Social Security Administration, Office of Refugee Resettlement, *Refugee Resettlement Program* (1984), p. 8.

[22] Ibid., p. 96.

[23] Ibid., p. 95.

FIGURE 2

Southeast Asian Refugee Arrivals by Nationality, Fiscal Years 1975-85[a]



[a] Figures for 1975-82 are estimated for nationalities. However, yearly totals and nationality totals correspond to official records.
[b] Includes transition quarter.
Source: American Council for Nationalities Service, "Refugee Reports," vol. VI, no. 12 (Dec. 13, 1985), p. 6. Figures from Linda W. Gordon, Chief Statistician, Office of Refugee Resettlement. U.S. Department of Health and Human Services.

TABLE 4
Southeast Asian Refugee Arrivals by Nationality, Fiscal Years 1975–85[1]

	Country of nationality			
Fiscal year	**Cambodia**	**Laos**	**Vietnam**	**Total**
1975	4,600	800	125,000	130,394
1976[2]	1,100	10,200	3,200	14,466
1977	300	400	1,900	2,563
1978	1,300	8,000	11,100	20,397
1979	6,000	30,200	44,500	80,678
1980	16,000	55,500	95,200	166,727
1981	27,100	19,300	86,100	132,454
1982	20,100	9,400	42,600	72,155
1983	13,191	2,946	23,030	39,167
1984	19,849	7,224	24,927	52,000
1985	19,237	5,233	25,383	49,853
TOTAL	128,777	149,203	482,940	760,854

[1] Figures for fiscal years 1975–82 are estimates from Linda Gordon, chief statistician, Office of Refugee Resettlement, U.S. Department of Health and Human Services. Yearly totals correspond to official records maintained by that department. Totals for nationality groups do not add to overall totals due to rounding.

[2] Includes transition quarter.

Source: Linda Gordon, chief statistician, Office of Refugee Resettlement, U.S. Department of Health and Human Services, telephone interview, Feb. 19, 1986.

in appendix B shows the number of Indochinese refugees residing in each State.)[24]

Socioeconomic Status

Socioeconomic measures are often used to compare achievement of particular ethnic groups with that of whites.[25] This section examines data from the 1980 census on education and income for five major Asian ethnic groups: Japanese, Chinese, Filipinos, Koreans, and Vietnamese.[26] The census data show that there are differences among these groups: Some compare favorably with white non-Hispanics, while others are substantially less well off.

One common socioeconomic indicator is median years of schooling for the adult population (25 years and older). The 1980 census data show that, for most Asian groups, median years of schooling are greater than for whites, with Filipinos having the highest (14.1 years) (see table 6). Contributing to this trend is the high rate at which Asian Americans are attending college. In California, students of Asian descent are overrepresented (in comparison to their representation among the college-age population) at many of the State universities, largely because of their high test scores.[27] For example, in the 1982–83 school year, Asian American students at UCLA were 16.5 percent of the student body; at Berkeley, 18.4 percent; and at Davis, 11.9 percent.[28] In many

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[24] Figures for Washington, D.C., may be inflated, as they refer to the address of the sponsoring organization rather than the actual State of initial resettlement. The report states that "most of these persons are thought to settle in nearby Maryland or Virginia." U.S. Department of Health and Human Services, Social Security Administration, Office of Refugee Resettlement, "Monthly Data Report for October 1984" (1984), p. 1.

[25] In this section, the term "whites" refers to persons who identified themselves as white on the 1980 census, excluding those who indicated that they were of "Spanish origin." The economic performance of American-born persons of Asian descent will be examined in a forthcoming volume of the U.S. Commission on Civil Rights' Incomes of Americans study.

[26] Other groups, such as Cambodian and Laotian, are not included for separate analysis because their populations are too small for a representative sample in the 1980 census.

[27] David A. Bell, "The Triumph of Asian-Americans," *The New Republic*, July 15–21, 1985, p. 26.

[28] The full names of these schools are, respectively, University of California at Los Angeles, University of California at Berkeley,

TABLE 5
Ranking of States with Largest Estimated Southeast Asian Refugee Populations, Entries from 1975 through November 1985

State	Number[1]	Percent
California	305,400	39.8
Texas	57,900	7.5
Washington	34,700	4.3
New York	29,000	3.8
Pennsylvania	25,700	3.3
Illinois	25,500	3.3
Minnesota	24,400	3.2
Massachusetts	22,900	3.0
Virginia	20,900	2.7
Oregon	17,500	2.3
Subtotal	563,900	73.4
Other States	204,300	26.6
TOTAL	768,200	100.0

[1] Figures are rounded to the nearest hundred. Adjustments for secondary migration through Sept. 30, 1985, are included in these figures.
Source: U.S. Department of Health and Human Services, Social Security Administration, Office of Refugee Resettlement, "Monthly Data Report for November 1985" (1985), p. 3.

other schools, they are overrepresented as well. For example, at Harvard they are almost 10 percent of the freshman class, but their acceptance rate compared to applications is lower than for other groups. Some explanations for the lower acceptance rate are the emphasis in the admissions process by such schools on factors other than academic success (extracurricular participation, alumni parents, academic diversity of student body, for example), and the fact that because of "family pressure," many "more marginal students apply."[29]

Examining mean yearly earnings of workers between the ages of 25 and 54,[30] there is, for the most part, substantial parity with whites. The mean income for Japanese American males in 1979 was almost 10 percent higher than for white males. Males of Korean, Chinese, and Filipino descent had incomes that were 96 percent, 90 percent, and 86 percent that of whites. The one group that is substantially below whites is Vietnamese, who earn on the average 57 percent of the income earned by whites (see table 7).[31] Asian American females do as well as or better than white females, with the exception of Vietnamese. The mean yearly earnings of Asian American women in all cases, however, are well below their male counterparts.

Another way to examine income data to determine how well groups are doing relative to each other is to examine yearly earnings of individuals with varying degrees of educational attainment. Again, the data show that most Asian groups fare well when compared with whites. Japanese American males are almost even with white males, regardless of their years of schooling (see table 8). With 8

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and University of California at Davis. U.S. Department of Education, Office for Civil Rights, "Racial, Ethnic and Sex Enrollment Data from Institutions of Higher Education, Fall 1982" (unpublished), cited in "Minority Enrollments at More than 3,100 Colleges and Universities," *The Chronicle of Higher Education*, Dec. 5, 1984, p. 13.

[29] Bell, "The Triumph of Asian-Americans," pp. 26–27.

[30] These figures are for workers ages 25–54, employed at any time during the year. They do not include persons who were not employed during 1979, nor do they include income from any source other than earnings paid on the job (for example, pensions, interest or dividend income, or cash assistance), nor do they include income in kind (for example, employee benefits). Since a large percentage of workers are enrolled in school prior to age 25 and leave the work force after age 55, the age category 25–54 is considered the "prime work force."

[31] U.S. Department of Commerce, Bureau of the Census, 1980 Census Public Use Sample Tapes (hereafter cited as 1980 Census, Public Use Sample Tapes).

TABLE 6
Median Years of School Completed for Adult Population (Ages 25 and Over) by Ethnic Group, 1980

	Japanese	Chinese	Filipino	Korean	Vietnamese	White[1]
Median years of school completed	12.9	13.4	14.1	13.0	12.4	12.5

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[1] This category does not include whites of Spanish origin.

Source: U.S. Department of Commerce, Bureau of the Census, *1980 Census of Population*, vol. 1, *Characteristics of the Population*, ch. C, *General Social and Economic Characteristics*, pt. 1, *United States Summary*, table 160, p. 1–157, and table 166, p. 1–163.

TABLE 7
Mean Annual Earnings for Prime Work Force (Ages 25–54) by Race, Ethnicity, and Sex, 1980

	Japanese	Chinese	Filipino	Korean	Vietnamese	White[1]
Male	$21,466	$17,777	$16,973	$18,978	$11,303	$19,712
Female	10,385	9,842	11,412	8,547	7,324	8,490

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[1] This category does not include whites of Spanish origin.

Source: Computations made from 1980 census public use sample tapes.

TABLE 8
Mean Annual Earnings for Prime Workers (Ages 25–54) by Years of Schooling, Race/Ethnicity, and Sex, 1980

Years of schooling	Japanese	Chinese	Filipino	Korean	Vietnamese	White[1]
Male						
0–7	**	$ 8,845	$10,448	**	$ 8,405	$13,063
8–11	$15,866	11,693	12,505	$13,683	9,140	15,309
12–15	18,562	14,530	13,523	13,849	10,724	18,133
16+	25,233	22,084	22,407	22,965	15,291	26,038
Female						
0–7	**	$ 6,055	$ 7,040	$ 6,604	$ 5,686	$ 6,244
8–11	$ 7,805	6,516	7,101	6,181	6,822	6,476
12–15	9,468	9,125	9,043	7,690	6,893	8,049
16+	13,114	12,630	14,052	12,099	12,546	11,341

**Fewer than 100 cases.

[1] This category does not include whites of Spanish origin.

Source: Computations made from 1980 census public use sample tapes.

to 11 years of schooling, mean yearly earnings of Japanese American males are almost 5 percent higher than those of white males; with 12 to 15 years of schooling, they are 2 percent higher. With at least a college education, the average Japanese American male earns 97 percent of his white counterpart. Males of Chinese descent improve their position relative to white males as educational status improves: With fewer than 8 years of education, mean annual earnings of Chinese are 68 percent of whites'; with 4 years of college or more, their mean annual earnings are 85 percent of whites'. For Korean and Filipino males, changes in mean annual earnings relative to whites do not show a trend, but are generally 75 to 90 percent those of whites. Vietnamese do the least well: With 4 years of college or more, Vietnamese males have mean annual earnings that are 59 percent those of white males.[32]

For those with college degrees, all groups are below white males in annual earnings, with most making between 85 and 88 percent of white males (see table 8). Asian females in all groups generally do as well as or better than white females. All female groups do earn substantially less than their male counterparts at all levels of educational attainment, and their incomes relative to white males are fairly consistent across varying levels of educational attainment.

Occupationally, Asian groups have done well. According to the 1980 census, almost 13 percent of all workers of Chinese or Japanese descent were executives or managers, compared with 11.3 percent of whites. Other Asian groups fared less well: 9.9 percent of Koreans, 7.7 percent of Filipinos, and 4.5 percent of Vietnamese were similarly employed. Persons of Asian descent were better represented in the professional category, where all but one of the groups—the Vietnamese—had a larger percentage of workers than did whites. Korean and Vietnamese workers were represented to a high degree in certain blue-collar occupations (see table 9).[33]

Leaders of Asian ethnic groups believe that, despite their excellent representation in professional categories, promotional opportunities in management are limited for them.[34] This view was reflected by a statement based on numerous interviews with employers and Asian American employees: "Ironically, the same companies that pursue them [Asian Americans] for technical jobs often shun them when filling managerial and executive positions."[35] This oversight may be due to many factors, including perceptions of employers that Asian Americans do not exhibit certain traits that employers believe lead to success as managers.[36] Given their higher educational levels, representation of Asian American groups might be expected to be higher in management positions than in technical and professional positions, but this is not the case. In fact, data from the Equal Employment Opportunity Commission show that Asian Americans make up 4.1 percent of the professionals and 2.9 percent of the technicians of private firms, but only 1.3 percent of the officials and managers.[37]

Examining annual earnings in various occupational categories shows that most Asian managers and professionals are doing on average as well as white managers and professionals (see table 10). Japanese American males do almost as well as or better than white males regardless of occupation, while the annual earnings of other groups are lower than those of white males in the other occupational categories. Vietnamese males' yearly earnings are about one-half to two-thirds those of white males in the various occupational categories. Data for females show that

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[32] Computations from 1980 Census, Public Use Sample Tapes.

[33] U.S. Department of Commerce, Bureau of the Census, *1980 Census of Population*, ch. C, *General Social and Economic Characteristics*, part 1, *U.S. Summary*, table 163, p. 1-160 and table 169, p. 1-166 (hereafter cited as *1980 Census of Population*, ch. C).

[34] Landy Eng, president, Asian Business League of San Francisco, and David Sin, chairman and president, Asian Business League of Santa Clara Valley, interview in San Francisco, Calif., Oct. 30, 1984; Henry Der, executive director, Chinese for Affirmative Action, interview in San Francisco, Calif., Nov. 2, 1984; Sandy Ouye Mori, director, Kimochi Home, interview in San Francisco, Calif., Nov. 1, 1984; and Dean Vu, chairman, Health Task Force, Council of Asian American Organizations, interview in Houston, Tex., Jan. 14, 1985.

[35] Winifred Yu, "Asian Americans Charge Prejudice Slows Climb to Management Ranks," *The Wall Street Journal*, Sept. 11, 1985, p. 35; Winifred Yu, reporter, telephone interview, New York, Oct. 17, 1985.

[36] Ibid. Also see, Masako M. Osako, "Japanese-Americans: Melting into the All-American Pot?" in *Ethnic Chicago*, ed. Melvin G. Holli and Peter d'A. Jones (Grand Rapids, Mich.: William B. Eerdmans Publishing Co., 1984), pp. 531-32; and Harry H.L. Kitano, *Race Relations*, 2d ed. (Englewood Cliffs, N.J.: Prentice-Hall, 1980), p. 265.

[37] Equal Employment Opportunity Commission, "Employment Analysis Report Program, 1984 EEO-1 Report Nationwide Summary of Employment in Given Occupational Categories" (undated) (unpublished). See also Equal Employment Opportunity Commission, *Equal Employment Opportunity Report–1983: Job Patterns of Minorities and Women in Private Industry* (June 1985). The EEOC requires private employers with 100 or more employees, and government contractors for $50,000 or more with 50 or more employees to file statistics annually on the race and sex of their employees. The percentages are based on statistics provided by those employers.

TABLE 9
Occupational Categories for Employed Workers, Ages 16 and Over, by Race/Ethnicity, 1980

Occupational category	Japanese	Chinese	Filipino	Korean	Vietnamese	White[1]
Executive, managerial, and administrative	12.8%	12.9%	7.7%	9.9%	4.5%	11.3%
Professional specialty	15.7	19.6	17.3	15.0	8.8	13.0
Technical, sales, administrative support	34.2	30.1	33.3	27.4	26.7	31.3
Service	12.8	18.6	16.5	16.5	15.3	11.5
Farming, forestry, fishing	4.4	0.5	2.8	0.9	0.9	2.9
Precision production, craft, and repair	10.0	5.6	8.3	9.9	14.5	13.4
Operators, fabricators, laborers	10.1	12.7	14.0	20.4	29.3	16.7
Total	100.0	100.0	99.9*	100.0	100.0	100.1*

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[1] This category does not include whites of Spanish origin.

*Percentages do not add to 100 percent due to rounding.

Source: U.S. Department of Commerce, Bureau of the Census, *1980 Census of Population*, vol. 1, *Characteristics of the Population*, ch. C, *General Social and Economic Characteristics*, pt. 1, *United States Summary*, table 163, p. 1–160, and table 169, p. 1–166.

TABLE 10
Mean Annual Earnings for All Employed Workers, Ages 25–54, by Occupational Category, Race/Ethnicity, and Sex, 1980

Occupational category	Japanese	Chinese	Filipino	Korean	Vietnamese	White[1]
Male						
Managers, professionals	$26,715	$23,662	$28,251	$27,388	$16,004	$26,043
Technicians	20,057	16,298	14,267	16,696	10,359	20,085
Service workers	12,486	8,934	10,911	9,414	6,349	13,847
Farming, fishing	16,353	**	10,529	**	**	13,508
Craftspersons	19,061	16,668	16,784	15,858	12,073	17,803
Laborers	15,802	11,137	13,528	12,039	10,480	15,653
Female						
Managers, professionals	$13,945	13,854	16,735	14,419	12,528	11,350
Technicians	10,723	10,192	10,270	8,766	7,336	8,174
Service workers	6,550	6,175	6,930	5,677	5,245	4,992
Farming, fishing	**	**	**	**	**	5,303
Craftspersons	9,469	7,740	8,908	7,659	7,519	9,285
Laborers	7,952	5,596	7,197	7,261	6,526	7,337

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[1] This category does not include whites of Spanish origin.

**Fewer than 100 cases.

Source: Computations made from 1980 census public use sample tapes.

TABLE 11
Percentage of Families in Poverty and Mean Income Deficit by Race/Ethnicity, 1980

	Japanese	Chinese	Filipino	Korean	Vietnamese	White[2]
Families in poverty	4.2%	10.5%	6.2%	13.1%	35.1%	6.6%
Mean income defici	$3,221	$3,586	$3,071	$3,609	$5,076	$2,796

[1] "Mean income deficit" means the amount of money it would take to raise the average family in poverty to 100 percent of the poverty level.
[2] This category does not include whites of Spanish origin.
Source: U.S. Department of Commerce, Bureau of the Census, *1980 Census of Population*, vol. 1, *Characteristics of the Population*, ch. C, *General Social and Economic Characteristics*, pt. 1, *United States Summary*, table 165, p. 1-162, and table 171, p. 1-168.

annual earnings for Asian Americans are generally higher than for whites, regardless of occupational category.

Thus, in terms of these overall measures, several of the groups were doing as well as or better than non-Hispanic whites in some occupational categories and at some educational levels. Income for persons of Japanese and Vietnamese descent relative to non-Hispanic whites, however, fell as level of educational attainment rose. Among Asian American groups, persons of Japanese descent generally were at the top of the scale, while Vietnamese ranked lowest. In fact, data show that, generally, Vietnamese are employed in jobs with lower occupational status than those they held in Vietnam.[38]

Data from the 1980 census show that poverty rates for three of the groups—Chinese, Korean, and Vietnamese—are substantially higher than for whites.[39] Whereas 4.2 percent of Japanese families and 6.2 percent of Filipino families are in poverty, 10.5 percent of Chinese, 13.1 percent of Korean, and 35.1 percent of Vietnamese families are poor. This compares with 6.6 percent of whites. Furthermore, for those in poverty, the average Asian American family is much poorer than its white counterpart (see table 11).

It should be noted that the statistics presented here on employment, earnings, and poverty represent all persons of the respective Asian ethnic groups, including recent immigrants. Recent immigrants would be expected to do less well than the native born because of language difficulties and other problems of adjustment. Of the five Asian groups examined here, the Vietnamese have the largest proportion of recent arrivals.

For Indochinese refugees, while their overall totals for most economic indicators show substantial disparity between them and other groups, data also show that the longer they live in the United States and the more accustomed they become to American culture, the better they do.[40] One possible explanation is that, as refugees become more fluent in English and become better trained, they tend to do better economically. In fact, those who spoke English fluently had an unemployment rate of 4.4 percent and average weekly earnings of $275 in 1984. Those who spoke no English had an unemployment rate of 32 percent and earned on the average $193 per week.[41]

Residential Concentration

In addition to education, employment, and earnings, residence in racially diverse communities can be construed as a measure of the degree to which various Asian groups are assimilated. A recent study of 1980 census data in 38 metropolitan areas with more than 10,000 persons of Asian descent shows that the degree of residential concentration between Asian American groups and whites varies by ethnic group, with Japanese generally experiencing the least concentration and Vietnamese the most.[42] The degree of concentration among groups also decreases as education and income rise,[43] partially explaining the lower degree of residential concentration of Japanese. Another explanation is that Japanese Americans are more often native born, with only 28 percent born outside the United States. For Vietnamese, 90 percent of residents in the United States in 1980 were foreign born.[44]

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[38] *Refugee Resettlement Program (1985)*, p. 92.
[39] *1980 Census of Population*, ch. C, table 163, p. 1-160.
[40] *Refugee Resettlement Program (1985)*, p. 99.
[41] Ibid., p. 94.
[42] The term residential concentration is used here rather than the word segregation, which is used by the authors of the study, to avoid possible legal interpretations of the term segregation. The term "segregation index" is a term used in social science research to denote the percentage of the population that would have to move to achieve desegregation within all census tracts in the

In some cases, the degree of residential concentration depends largely on how long a particular group has resided in the United States. This carries over into other areas as well. Studies have shown that third generation Japanese Americans (Sansei) are far more integrated into the society than are their parents (Nisei) or grandparents (Issei).[45] Thus, Sansei are more likely to live in a non-Japanese American neighborhood (67 percent) than either their parents (58 percent) or grandparents (45 percent). Further, they are more likely to have close non-Japanese American friends and be married to a person not of Japanese origin (40 percent, compared with 10 percent for their parents and 1 percent for their grandparents).[46]

Summary

Asian and Pacific Island Americans are a small proportion of the United States population (less than 2 percent in 1980). Nevertheless, this group experienced rapid growth between 1970 and 1980 (increasing from 1.5 to 3.7 million persons). Although some of this growth was artificial, resulting from changes in census definitions, much of this change represents actual increase, due in large part to the arrival of Southeast Asian refugees and other Asian and Pacific Island immigrants between 1970 and 1980.

As with other groups, Asian and Pacific Island Americans are not evenly distributed among the States, but rather are located in particular States and localities. In only one State, Hawaii, does this population constitute a majority. In California, they are 5.5 percent of the population and in all other States, less than 3 percent.

This population is comprised of many groups with varying characteristics. The degree to which they have achieved in terms of education, occupation, and income in this country varies by ethnic group. This variation may reflect the percentage of recent immigrants in a given group. Thus, for those groups for which adequate data are available, Japanese Americans have had the highest levels of achievement, comparing favorably to whites. Vietnamese have been the least successful. Despite the success of many of these groups, poverty rates for some groups are high, and incomes for those in poverty are lower than for poor whites. There is reason to think, however, that the acculturation of recent Asian immigrants may result in higher median incomes among these immigrants.

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metropolitan area. The average segregation index for each of the five groups is: Japanese, 42 percent (18 metropolitan areas); Chinese, 52 percent (26 metropolitan areas); Filipino, 55 percent (22 metropolitan areas); Korean, 55 percent (12 metropolitan areas); and Vietnamese, 69 percent (14 metropolitan areas). Analysis for a particular ethnic group was done only when there were 10 times as many persons of that ethnic group as there are census tracts in the metropolitan area. Seven of the metropolitan areas did not have a large enough population of any of the ethnic groups to be analyzed. Mark Langberg and Reynolds Farley, "Residential Segregation of Asian Americans in 1980," *Sociology and Social Research*, vol. 70, no. 1 (October 1985), pp. 71-75.

[43] Ibid., pp. 72-73.

[44] Ibid., p. 72.

[45] Darrel Montero, "The Japanese Americans: Changing Patterns of Assimilation over Three Generations," *American Sociological Review*, vol. 46 (1981), pp. 829-39.

[46] Ibid., table 3, p. 835.

Chapter 3

Factors Contributing to Anti-Asian Activity

Incidents of violence, harassment, intimidation, and vandalism against persons of Asian descent result from a complex set of factors that sometimes includes racial prejudice. After a discussion of racial motivation in general, this chapter examines some of the major factors that may contribute to anti-Asian activity, such as anti-Asian sentiment, increases in the Asian population in the United States, misunderstanding concerning refugees and immigrants, international trade issues, and competition among groups for scarce resources. After identifying these factors, results from surveys of attitudes towards persons of Asian origin are presented. The chapter also describes generally the offenders who commit racially motivated offenses against persons of Asian descent.

Racial Motivation

The interpretation of what may constitute racial motivation varies among jurisdictions. For this report, in order to determine racial motivation in offenses committed against persons of Asian descent, Commission staff examined current State laws on racial violence, harassment, and intimidation, and interviewed numerous Federal, State, and local officials as well as other public officials who determine, enforce, study, or monitor racially motivated offenses in their communities. These persons included United States attorneys, State assistant attorneys general, police officials, and representatives from the Community Relations Service of the U.S. Department of Justice, local human relations commissions, and Asian American organizations.

In addition to Federal civil rights statutes,[1] some States have enacted legislation dealing with racial offenses. A 1983 report prepared by the Lawyer's Committee for Civil Rights Under Law included an analysis of recently enacted statutes dealing with racially motivated crimes in 14 States and the District of Columbia.[2] The Commission interviewed people in seven of those States—California, Maryland, Massachusetts, New York, Pennsylvania, Virginia, and Washington. All of these States have enacted statutes prohibiting forms of racial violence, harassment, or intimidation[3] and are among those

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[1] 18 U.S.C. §241 (Conspiracy to Violate Civil Rights); 18 U.S.C. §242 (Deprivation of Rights Under the Color of the Law); 18 U.S.C. §243 (Exclusion of Jurors on Account of Race or Color); 18 U.S.C. §244 (Discrimination Against Person Wearing Uniform of Armed Forces); 18 U.S.C. §245 (Federally Protected Activities); and 18 U.S.C. §246 (Deprivation of Relief Benefits). This report discusses aspects of 18 U.S.C. §241, 18 U.S.C §242, and 18 U.S.C. §245 (b) (2) (F). The text of these sections can be found in appendix D.

[2] Washington Lawyer's Committee for Civil Rights Under Law, *Civil and Criminal Remedies for Racially and Religiously Motivated Violence in Maryland, Virginia and the District of Columbia* (Washington, D.C.: June 1983), pp. 40–50, 57–69, and 103–25. The States included Maryland, Virginia, Connecticut, New Jersey, New York, West Virginia, Florida, California, Massachusetts, North Carolina, Tennessee, Pennsylvania, Washington, and Oregon.

[3] Ibid., pp. 40–50, 57–69, 107–08, 113–17, and 119–20. Some of the States also have statutes prohibiting discrimination in such areas as employment and housing. This report includes only those statutes that prohibit acts of racial violence, harassment, or intimidation and certain acts of racial and religious bigotry (cross burnings and defacement of religious places of worship). See appendix E for the statutes and penalties of the seven States visited by Commission staff.

States having the largest populations of persons of Asian descent.[4]

The statutes are interpreted and enforced by State and local criminal justice officials. Other public officials, such as representatives from the Community Relations Service and human relations commissions, monitor or study race-related issues and report findings to appropriate authorities. In addition, the Community Relations Service takes on an active role in conciliating and providing technical assistance to communities and State and local officials affected by incidents involving racial hatred. Deciding whether an incident is "racial" usually is the responsibility of these officials.[5] The factors used to identify racially motivated incidents against persons of Asian descent vary. However, some common factors are used by officials in these States to determine whether an incident is racially motivated. They include the perpetrator's admission; the use of racial slurs, slogans, or epithets; and demographic characteristics of neighborhoods where incidents occur.

A simple way to determine whether an action against a person of Asian descent is racially motivated is the perpetrator's admission that the incident was committed because of the victim's race.[6] However, apprehended offenders may not admit that race is a motivating factor in committing a crime against a person of Asian descent.[7] Offenders may, however, use a racial slur, slogan, or epithet when committing a crime against such persons. Officials usually consider crimes committed in such circumstances to be racially motivated. In the absence of this type of evidence, many officials are reluctant to consider the incident to be racially motivated.[8]

When there are no overt racial signs present, some police officers examine patterns or demographic characteristics in neighborhoods where incidents occur to identify racially motivated actions against persons of Asian descent.[9] For example, a deputy sheriff in Sacramento County, California, examines patterns of crimes and geographic locations where crimes occur to determine "with reasonable accuracy" whether an offense is racially motivated.[10] Officers who assess patterns of occurrences often note whether the person has been victimized more than once, how often, and in what way acts have occurred. For example, five related incidents in a Boston suburb illustrate a pattern that led to a determination that the offense was "racial." A counselor who works with Southeast Asian refugees in Boston reported five instances of vandalism against the home of the only Vietnamese family who lived in a particular Boston suburb.[11] All five incidents, which occurred between October 1983 and November 1984, involved rocks or bricks being thrown at the windows of the house. The first incident was reported by the police as "vandalism." After the fifth episode, the case was turned over to the Community Disorders Unit of the Boston Police Department, which handles racially motivated offenses.[12]

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[4] See appendix B, table B-1, for Asian American population by State. Of the 8 States visited, all but Massachusetts are among the 10 States with the largest Asian and Pacific Island American populations. All but Maryland are among the 10 States with the largest number of Indochinese refugees. See chap. 2, tables 2 and 5.

[5] For example, the Massachusetts Attorney General's office has prepared a multilingual brochure, *Your Civil Rights Under Law*, explaining the State's Civil Rights Act. It includes a definition of the act, the rights that the law protects, and examples of possible violations of the act. In addition, the Boston Police Department's Community Disorders Unit, which responds only to incidents that are racially motivated, issued a special order defining "community disorder" (or racial incidents). According to the order: "a community disorder is a conflict which disturbs the peace, and infringes upon a citizen's right to be free from violence, threats or harassment." The disorders are classified into the following three areas:

> 1. All crimes that are committed where there is evidence to support that the victims were selected on account of race, or incidents and situations precipitated by racial motives.
> 2. All incidents of group activity and demonstrations where there is a potential for inciting group conflict and violence.
> 3. All incidents and situations where there are concerted efforts by a person or group of persons to deprive other persons of free access to any neighborhood or community within the city.

Special Order, Community Disorders Unit, Boston Police Department, S.O. No. 78-28, Apr. 7, 1978, pp. 1-2. The unit's guidelines and procedures governing racial violence and harassment that were in effect before the 1980 State law are essentially the same as those prescribed by the State law. Therefore, the unit has not had to modify its definitions or procedures since passage of the law. S. Chuck Wexler, director, Community Disorders Unit, Boston Police Department, interview in Boston, Mass., Dec. 5, 1984 (hereafter cited as Wexler Interview).

[6] Joan Entmacher, division chief, Civil Rights Division, Department of the Massachusetts Attorney General, interview in Boston, Mass., Dec. 6, 1984 (hereafter cited as Entmacher Interview); and Andre Van Chau, president, Southeast Texas Vietnamese Community Organization, Nederland, Texas, interview in Houston, Tex., Jan. 16, 1985.

[7] Bill Lee, police officer, Asian Task Force, Los Angeles Police Department, interview, Oct. 20, 1984 (hereafter cited as Lee Interview); and Jon Elder, chief of police, Monterey Park Police Department, interview in Monterey Park, Calif., Nov. 1, 1984 (hereafter cited as Elder Interview).

[8] For example, a community relations specialist at the Montgomery County (Md.) Human Relations Commission said:

> Racially motivated incidents in Montgomery County are only considered as such if a racial epithet is included in the act. Something [antiracial] has to be written or said for the act to be considered racial, religious, or ethnic bigotry.

Sue Ellen Smith, community relations specialist, Montgomery County (Md.) Human Relations Commission, interview in Rockville, Md., Jan. 14, 1985. In Davis, California, the district attorney who prosecuted a case involving the fatal stabbing of a Vietnamese student by a white high school student chose not to prosecute on racial grounds because there was no evidence to show that the defendant used any racial epithets or slurs during the incident. David Henderson, district attorney, Yolo County, Calif., telephone interview, Feb. 19, 1985. Also see Entmacher Interview; Marty Mercado, chief, Office of Community and Consumer Affairs, State of California Office of the Attorney General, and coordinator, California Commission on Racial, Ethnic, Religious, and Minority Violence, interview in Sacramento, Calif., Nov. 6, 1984.

[9] Michael Tsuchida, deputy sheriff, Community Resources Bureau, County of Sacramento Sheriff's Department, interview, Nov. 6, 1984 (hereafter cited as Tsuchida Interview); and Capt. Joseph L. Leake, Bias Unit, New York City Police Department, interview, Dec. 5, 1984 (hereafter cited as Leake Interview).

The demographic characteristics of the neighborhoods where actions occur also are considered by some officials as a factor in identifying racially motivated offenses. Where a determination of racial motivation is made, the victim usually is the only person of Asian descent who lives or works in a particular community, or the only business vandalized in a commercial neighborhood is the one that is owned by a person of Asian descent.[13]

Some officials do not use specific factors to determine whether acts against a person of Asian descent are racially motivated. Instead, they tend to rely on their experience in the area and the information collected during investigations to make the determination.[14] Other officials mentioned that they would "handle" an instance as if it were racially motivated depending on the seriousness of the offense, the victim's or witnesses' account of the incident, and whether harassment or intimidation was involved.[15]

Although numerous acts against persons of Asian ancestry were reported, some were found by police to be crimes or other offenses not related to race. One explanation for this police finding is that, in most jurisdictions, police are not required to consider race as a motivating factor in the commission of a crime.[16]

Anti-Asian Sentiment

Racially motivated behavior against persons of Asian descent appears to be in part a result of general anti-Asian sentiment on the part of the offender. The offender may have misconceptions about Asians or about their characteristics that lead to anti-Asian sentiment and, subsequently, to racially motivated actions.

Asian American groups perceive that some in our society still believe that all Asian Americans are foreigners:

> Asian Americans have been viewed as non-citizens. . . .Historically, we have all been considered immigrants, temporary visitors, or foreigners. Even though we

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[10] Tsuchida Interview, and Michael Tsuchida, deputy sheriff, testimony, Human Rights/Fair Housing Commission of the City and County of Sacramento, Calif., "Hearing on Bigotry and Violence Against Asian Pacific Americans," May 17, 1984, pp. 29-30. Tsuchida keeps statistics on the race or ethnicity of the victim and the offender, the type of crime, whether the crime is racial, and whether arrests have been made.

[11] Shirley Yuen, counselor, Multi-Service Center for Chinatown, Chinese American Civic Association, Boston, Mass., telephone interview, Jan. 3, 1985.

[12] Ibid.

[13] One respondent reported that one incident was determined by the police not to be racially motivated because the refugee couple that was robbed lived in a predominantly refugee community. Cindy Gimbert, education director, Chinese American Civic Association, Boston, Mass., telephone interview, Dec. 13, 1984. Also see, Leake Interview; Lee Interview; Insp. Richard Pennington, director, Community Relations Division, Metropolitan Police Department, interview in Washington, D.C., Aug. 15, 1985; and Sandy Ouye Mori, director, Kimochi Home, interview in San Francisco, Calif., Nov. 1, 1984 (hereafter cited as Sandy Mori Interview).

[14] For example, a lieutenant at the Monterey Park (Calif.) Police Department explained:

> The department may investigate a crime as being racially motivated if one person of one race attacks a person of another race. The investigation determines whether or not it is a racially motivated offense or a crime.

Lt. Joseph A. Santoro, Community Relations and Administrative Bureau, Monterey Park Police Department, interview, Nov. 1, 1984. Also see, Victor M. Mentink, chief of police, Davis Police Department, and Sgt. Leo Sackett, Community Resources Unit, Davis Police Department, interview in Davis, Calif., Nov. 5, 1984 (hereafter cited as Mentink and Sackett Interview); Wexler Interview; and Sandra Virago, executive director, Sacramento Human Rights/Fair Housing Coalition, interview in Sacramento, Calif., Nov. 7, 1984.

[15] Mike McElroy, Indochinese advocate, Victim/Witness Project, Seattle Police Department, interview in Seattle, Wash., Nov. 6, 1984 (hereafter cited as McElroy Interview); Martin R. Walsh, director, New England Office, Community Relations Service, U.S. Department of Justice, interview in Boston, Mass., Dec. 4, 1984 (hereafter cited as Walsh Interview); and Mentink and Sackett Interview.

[16] In this report, the Commission has used determinations of racial motivation made by police officials, other Federal, State, and local officials, and other persons who maintain close contact with Asian American communities.

are not immigrants, Asian Americans, when they move out of Asian neighborhoods, are seen as new immigrants.[17]

Persons interviewed said that Asian Americans are sometimes treated as foreigners rather than as Americans because of their distinct appearance.[18] For example, a Chinese American told Commission staff that when acquaintances ask where she was born, they do not accept "the United States" as a legitimate response. They are satisfied only after being told that her parents came from China.[19]

The view that Asians are foreigners is linked to the attitude of some Americans toward Japanese Americans. Many of these individuals blame Japanese Americans for the bombing of Pearl Harbor.[20] As the national director of the Japanese American Citizens League said:

> December 7, 1941, is a date that is etched in everyone's mind. There is greater truancy among Japanese American school children on that date because they always get harassed by the other kids. People are reminded annually of Pearl Harbor; psychologically the war is not over. It is ingrained in the American mind; it creates distrust of Japanese Americans and has an impact on other Asians as well.[21]

Some anti-Asian attitudes may also result from misconceptions that have often been reinforced by portrayals of Asians in movies and television and by articles in newspapers and magazines.[22] A community relations specialist at the Seattle Police Department criticized the media:

> The media play up the old stereotypes of "Yellow Peril"; they portray us as closed, funny people. This contributes to people's perceptions of Asians. For example, the Chinatown massacre. . .generated sensational reporting. The articles perpetuated the old stereotypes: Chinese as closed and mysterious. Now we have all these articles about Asian gangs. I thought a lot of the old stereotyping had ended, but it has resurfaced.[23]

One of the stereotypes is that of the "model minority," a concept used to show that, even though Asian Americans are a racial minority in the United States, they have been successful educationally and economically.[24] One problem with this concept is that it is not true for all Asian ethnic groups, as chapter 2 showed. One unfortunate result of the belief in the concept of Asians as the "model minority" is that it may create resentment on the part of other Americans who may be jealous of the perceived success of Japanese Americans and others of Asian descent.[25]

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[17] Stewart Kwoh, director, Asian Pacific American Legal Center, interview in Los Angeles, Calif., Oct. 31, 1984 (hereafter cited as Kwoh Interview). Also see, Peter Kiang, program director, Asian American Resource Workshop, interview in Boston, Mass., Dec. 5, 1984; Harry H.L. Kitano, professor, School of Social Welfare, University of California at Los Angeles, interview, Oct. 3, 1984 (hereafter cited as Kitano Interview); and Elaine Kim, professor, Amado Cabezas and Michael Omi, lecturers, Asian American Studies Department, University of California at Berkeley, interview, Oct. 31, 1984.

[18] Sandy Mori Interview; Setsuko Nishi, professor of sociology, Brooklyn College, interview in New York, N.Y., Dec. 6, 1984; Charles Wang, executive director, Chinatown Planning Council, interview in New York, N.Y., Dec. 7, 1984 (hereafter cited as Wang Interview); Steven T. Wing, directing attorney, Asian Law Alliance, interview in San Jose, Calif., Nov. 8, 1984; and George K. Woo, associate professor, School of Ethnic Studies, San Francisco State University, interview in San Francisco, Calif., Oct. 30, 1984 (hereafter cited as Woo Interview).

[19] Diane C. Yu, court commissioner, Superior Court, Alameda County, Calif., and member, California Commission on Racial, Ethnic, Religious, and Minority Violence, interview in San Francisco, Calif., Nov. 2, 1984. Also see, Laura Chin, former director, Organization of Chinese Americans, interview in Washington, D.C., July 25, 1984.

[20] Kitano Interview and Sandy Mori Interview.

[21] Ronald K. Wakabayashi, national director, Japanese American Citizens League, interview in San Francisco, Calif., Nov. 2, 1984 (hereafter cited as Wakabayashi Interview).

[22] Michael Blair, job developer, VESL Project, Bach Viet Association, interview in Sacramento, Calif., Nov. 6, 1984; Sumi Haru, industrial relations officer and vice president, Asian Pacific Media Committee, interview in Los Angeles, Calif., Oct. 30, 1984; Wakabayashi Interview; Patty Somlo, *Refocusing: A Conference on Asian Stereotypes and the Media* (Washington State Commission on Asian American Affairs, August 1983); Robert E. Casey, Criminal Intelligence Division, Houston Police Department, interview in Houston, Tex., Jan. 16, 1985; and Ed Diokno, managing editor, and Linda Ogawa Ramirez, associate editor, *Philippine News,* interview in South San Francisco, Calif., Nov. 1, 1984 (hereafter cited as Diokno and Ramirez Interview); Alan Seid, director, Asian Americans for Community Involvement, interview in San Jose, Calif., Nov. 8, 1984; Jeff Mori, executive director, Japanese Community Youth Council, interview in San Francisco, Calif., Oct. 31, 1984 (hereafter cited as Jeff Mori Interview); Woo Interview; and Gerry Takahashi, lecturer, Asian American Studies Department, University of California at Berkeley, interview, Oct. 31, 1984 (hereafter cited as Takahashi Interview). Other respondents believe that the media have played a positive role in reporting events and incidents affecting persons of Asian descent, and that the media have focused attention on different issues concerning members of these groups. See Karen Seriguchi, news editor, *Pacific Citizen,* interview in Los Angeles, Calif., Oct. 30, 1984 (the *Pacific Citizen* is the official publication of the Japanese American Citizens League); and Diane Wong, former editor, and Peter Chan, former publisher, *East/West,* interview in San Francisco, Calif., Nov. 1, 1984. (This weekly bilingual—Chinese and English—newspaper is published in San Francisco, Calif.)

[23] Maxine Chan, community relations specialist, Seattle Police Department, interview in Seattle, Wash., Nov. 6, 1984.

[24] Woo Interview. Also see, M. Kasindorf, "Asian-Americans: A Model Minority," *Newsweek,* vol. 100 (Dec. 6, 1982), pp. 39ff.; U.S. Commission on Civil Rights, *Success of Asian Americans: Fact or Fiction?* (1980); and Harry H.L. Kitano, "Asian-Americans: The Chinese, Japanese, Koreans, Filipinos, and Southeast Asians," *Annals of the American Academy of Political and Social Science,* vol. 454 (March 1981), p. 127. According to Dr. Kitano, the term "model minority" was popularized in a 1966 article in the *New York Times* (William Peterson, "Success Story: Japanese American Style"). Ibid., n.1.

Another common misconception about Asian Americans is that they are all the same. Although the term "persons of Asian descent" comprises a broad range of nationalities, cultures, and experiences, these persons are often viewed as belonging to a monolithic group.[26] According to a researcher:

> One common assumption is that of the presumed homogeneity among Asian groups, not only on the physiological level. . .but on a cultural level. Thus, looking alike has been equated with thinking and acting alike, so that Koreans are mistaken for Japanese, who in turn are taken for Chinese, who in turn may be seen as still another Asian nationality.[27]

Therefore, in many of the incidents reported to the Commission, perpetrators of violence, harassment, and intimidation view Asian Americans as a single group, even though they may not be able to—or care to—identify the particular ethnic group to which the victims belong.

Population Increases

The number of persons of Asian descent in the United States has increased significantly over the last 20 years. A million and a half people immigrated from China, Taiwan, Japan, Hong Kong, Korea, and the Philippines between 1966 and 1983.[28] Further, since 1975, 760,000 persons from Indochina have arrived in the United States as refugees.[29] This large and sudden population increase, in conjunction with the movement of Americans of Asian descent out of traditional ethnic neighborhoods, has had various effects in locations where immigrants, refugees, and Americans of Asian descent have ultimately settled. It has also led to friction in the short term between recent arrivals and long term residents.[30]

The effect of increasing numbers was addressed by the president of the Chinese Chamber of Commerce in Los Angeles:

> The number of Asian immigrants has increased substantially in the past 5 or 6 years. Immigrants are perceived as more of a threat economically and educationally. Not only do they compete for jobs, but they are also much more visible because they have been opening new businesses.[31]

In Monterey Park, California, the 1960 population of 32,000 was 85 percent Caucasian, 12 percent Hispanic, and 3 percent Asian descent. By 1983 the population had grown to 59,000 and was 25 percent Caucasian, 39 percent Hispanic, and 35 percent Asian descent.[32] The police chief described the reaction of the white residents to the growing number of Asian American residents and businesses in the city:

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[25] Ernest H. Weiner, director, American Jewish Committee, and Robert Links, chair, Chinese American Task Force, American Jewish Committee, interview in San Francisco, Calif., Oct. 29, 1984; John R. Pamperin, member, Davis (Calif.) Human Relations Commission, interview in Davis, Calif., Nov. 5, 1984; Henry Der, executive director, Chinese for Affirmative Action, interview in San Francisco, Calif., Nov. 2, 1984; and Roberta Yang, assistant U.S. attorney, Southern District of Texas, U.S. Department of Justice, interview in Houston, Tex., Jan. 16, 1985 (hereafter cited as Yang Interview).

[26] The term "Asian and Pacific Island American" may, in fact, perpetuate the idea that persons of Asian descent living in the United States are not fully Americans even though they may be United States citizens. This has led Rep. Norman Y. Mineta to recommend the use of "Americans of Asian ancestry" in place of Asian and Pacific Island Americans. Norman Y. Mineta, Representative, 13th District, California, interview in Washington, D.C., Feb. 27, 1984. Also see, Jeff Mori Interview; Diokno and Ramirez Interview; and Elaine Kim, professor, Asian American Studies Department, University of California at Berkeley, interview, Oct. 31, 1984.

[27] Kitano, "Asian-Americans," p. 126.

[28] U.S. Department of Justice, Immigration and Naturalization Service, *1981 Statistical Yearbook of the Immigration and Naturalization Service* (1984), pp. 34–35; and unpublished data provided by Blanche V. Shanks, management assistant, Immigration and Naturalization Service, U.S. Department of Justice.

[29] U.S. Department of Health and Human Services, Social Security Administration, Office of Refugee Resettlement, *Refugee Resettlement Program* (1985), p. 7. Linda Gordon, chief statistician, Office of Refugee Resettlement, U.S. Department of Health and Human Services, telephone interview, Jan. 31, 1986.

[30] Philadelphia Commission on Human Relations, *Asians and Their Neighbors: A Public Investigatory Hearing* (Oct. 27, 29, Nov. 1 and 5, 1984), p. 1 (hereafter cited as *Asians and Their Neighbors);* Yet Lock, president, Chinese Chamber of Commerce, Los Angeles, interview, Oct. 31, 1984 (hereafter cited as Lock Interview); Elder Interview; C. Beth Baldwin, *Capturing the Change: The Impact of Indochinese Refugees in Orange County: Challenges and Opportunities* (Santa Ana, Calif.: Immigrant and Refugee Planning Center, 1982); Robert M. Yamashita, executive director, Tacoma Community House, interview in Tacoma, Wash., Nov. 8, 1984 (hereafter cited as Yamashita Interview); Michael D. Blum, executive director, Nationalities Service Center of Philadelphia, interview in Philadelphia, Pa., Jan. 24, 1985 (hereafter cited as Blum Interview); and L. Thomas Surh, attorney, interview in San Francisco, Calif., Oct. 30, 1984.

[31] Lock Interview.

[32] Jon D. Elder, chief of police, Monterey Park, Calif., testimony, Los Angeles County Human Relations Commission, Public Hearing, "Rising Anti-Asian Bigotry: Manifestations, Sources, Solutions," Nov. 9, 1983.

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> Needless to say, the "Old Guard" members of the community met this dramatic changing socio-economic condition with a mixture of resentment and fear. Many local business merchants and residents sold their properties in a value-escalating market, and left the community, being replaced, in most instances, by newly arrived overseas Chinese. . . .The attitudes of the remaining "Old Timers" in the city have rapidly adjusted and there now is a general acceptance of cross-cultural interaction in the community.[33]

Although persons of Asian descent may experience resistance when moving into traditionally non-Asian neighborhoods, there is evidence that in time they become accepted members of the community.[34]

Resettlement of Refugees

With the fall of Saigon in 1975, hundreds of thousands of South Vietnamese fled to other countries. The United States responded to this crisis by admitting 130,000 refugees during 1975.[35] A second wave of refugees came in 1979 to 1981, when 380,000 refugees from Vietnam, Laos, and Cambodia arrived.[36]

Neither in 1975 nor in 1979–81 was the United States prepared to resettle such a large number of refugees, and the refugee resettlement program suffered from the "lack of well defined and coordinated policy guidance."[37] The task of resettlement was basically left in the hands of voluntary agencies that had resettled refugees from other countries in the past.[38] The process was complicated by the fact that the Federal Government provided little guidance and offered little advice.[39] Voluntary agencies that had resettled a few families a year were suddenly confronted with resettling thousands in a short period. The result was "disarray in the resettlement process":[40]

> The United States refugee effort, operated through three major Federal agencies and more than a dozen private organizations, has become an assemblage of overlapping and frequently competing programs that have resisted reorganization, central direction and reform at least since 1972. Ongoing programs bear little relationship to established need and have perpetuated inexplicable inequities in the types and levels of assistance to which individual refugees are entitled.[41]

In 1980 the Federal Government attempted to standardize the process of refugee resettlement with the passage of the Refugee Act.[42] After that time, the U.S. Department of State's Bureau for Refugee Programs began requiring resettlement agencies to sign a cooperative agreement, stipulating the resettlement services they would provide in order for them to receive the per capita refugee grants.[43] Given the lack of preparation and the crisis nature of resettlement activity, it is to the Nation's credit that it has settled over 700,000 Indochinese, more than all other second asylum countries combined.

Once in this country, refugees have faced a number of obstacles to their full participation in society at large. According to some respondents interviewed, many Americans misunderstand the status of refugees in this country.[44] Such misunderstandings can create feelings of mistrust and resentment:

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[33] Ibid.

[34] Ibid. and Elder Interview.

[35] U.S. Department of Health and Human Services, Social Security Administration, Office of Refugee Resettlement, *Refugee Resettlement Program* (1984), p. A-1 (hereafter cited as *Refugee Resettlement Program (1984)*.

[36] Ibid.

[37] Wever Gim and Tybel Litwin, "Indochinese Refugees in America: Profiles of Five Communities" (Executive Seminar in National and International Affairs, 22d Sess., 1979–80), p. 3 (hereafter cited as Gim and Litwin, "Profiles of Five Communities").

[38] Voluntary agencies originally came into being during the World War II period to resettle refugees from Europe. They are essentially the point of contact with the refugee and are responsible for carrying out resettlement policies and programs on behalf of the Federal Government. Currently, 13 voluntary agencies (11 of which are national organizations and 2 statewide) have cooperative agreements with the Department of State to administer refugee services. One—the United States Catholic Conference—resettled nearly half (44.4 percent) of all Indochinese refugees in fiscal year 1983. Four others—American Council for Nationalities Service, International Rescue Committee, Lutheran Immigration and Refugee Service, and World Relief—accounted for another 40 percent. *Refugee Resettlement Program (1984)*, app. C.

[39] William T. Liu, Maryanne Lamanna, and Alice Murata, *Transition to Nowhere: Vietnamese Refugees in America* (Nashville, Tenn.: Charter House Publishers, 1979), p. 158.

[40] Gim and Litwin, "Profiles of Five Communities," p. 3. Also see, Cynthia Coleman, director, Immigration and Refugee Services, Lutheran Children and Family Services, Philadelphia, Pa., telephone interview, Jan. 16, 1985 (hereafter cited as Coleman Telephone Interview); Blum Interview; and *Asians and Their Neighbors*, p. 76.

[41] H.R. Rep. No. 1754, 95th Cong., 2d Sess. 15 (1978), *reprinted in* 124 Cong. Rec. H 12228 (daily ed. Oct. 10, 1978).

[42] Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102 (1980).

[43] Douglas R. Hunter, director, Office of Reception and Placement, Bureau for Refugee Programs, U.S. Department of State, interview in Washington, D.C., Feb. 8, 1985. See appendix F for the text of the cooperative agreement.

[44] Yamashita Interview; Coleman Telephone Interview; Bee Xiong, director of the Hmong Job Project, Hmong United Association, interview in Philadelphia, Pa., Jan. 22, 1985 (hereafter cited as Xiong Interview); Randy Shiroi, human rights associate, Sacramento Human Rights/Fair Housing Commission, interview in Sacramento, Calif., Nov. 7, 1984; Thanh T. Le, mental health worker, interview in San Jose, Calif., Nov. 8, 1984; Glenda Joe, community leader, interview in Houston, Tex., Jan.

Negative feelings are mostly based on misconceptions. Almost one-third of all respondents mentioned either that refugees take jobs away from other Americans, receive special treatment, or are too dependent on government assistance.[45]

One commonly held belief about refugees is that the United States Government is making very low-interest loans to immigrants and refugees or giving them money to start businesses. For example, persons interviewed in the Houston area told Commission staff that some residents believed that the government was giving Vietnamese fishermen money to buy boats.[46] In fact, this was not the case.[47]

Another misconception about refugees is that the government is providing them with cash grants as a part of the resettlement process.[48] Actually, most refugees have little if any money and are entirely dependent upon their families or upon the refugee resettlement agencies. Currently, the resettlement agency receives a grant of $560 for each refugee to assist in resettlement during the first 90 days of residence in the United States. In turn, the resettlement agency agrees to perform certain services, including meeting the refugee at the airport, providing temporary housing for at least 30 days, providing food and furnishings, and performing other services. At the discretion of the local resettlement agency, the refugee may receive cash to pay for some of these services, but there is no direct grant from the Federal Government.[49]

Another commonly held belief is that refugees are entitled to greater welfare benefits from the government to which Americans generally are not entitled.[50] Although intact refugee families may qualify for assistance during their first 18 months in this country while nonrefugee families do not, the income qualifications and benefits are the same for refugees and nonrefugees.[51] The Refugee Act of 1980 does provide specific funds and mechanisms for reimbursing States for public assistance provided to refugees during that time.[52] After that, States are reimbursed for public assistance to refugees under

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14, 1985 (hereafter cited as Joe Interview); and *Asians and Their Neighbors*, p. 1.

[45] Baldwin, *Capturing the Change*, p. 84. Refugees from the Western Hemisphere were eligible for programs originally established by the Migration and Refugee Assistance Act of 1962, Pub. L. No. 87-510, 76 Stat. 121 (codified as amended at 22 U.S.C. §2601 (1976)). Coverage was extended to refugees from Cambodia and Vietnam by the Indochina Migration and Refugee Assistance Act of 1975, Pub. L. No. 94–23, 89 Stat. 87 (codified as amended at 22 U.S.C. §2601 n. (1976)). Programs included assistance to States or local public agencies for provision of health, educational, and employment services; for relocation assistance; and for refresher professional training (22 U.S.C. §2601(b)(4-6) (1976)). In addition, the act authorized loans and grants to or contracts with any individual or public or private organization to provide the allowable services (22 U.S.C. §2602(a) (1976)). The Refugee Act of 1980 enunciated more clearly programs for which refugees were eligible. Pub. L. No. 96–212, 94 Stat. 102 (codified as amended at 8 U.S.C. §1521 (1982)). These include relocation assistance provided by nonprofit agencies (8 U.S.C. §1522(b) (1982)); employment services, including job and English-language training and health care services (8 U.S.C. §1522(c) (1982)); and reimbursement to States for the cost of cash and medical assistance to eligible refugees for up to 36 months (8 U.S.C. §1522(e) (1982)).

[46] Efrain Martinez, area director, Community Relations Service, U.S. Department of Justice, interview, Jan. 16, 1985 (hereafter cited as Martinez Interview); Joe Interview; and Daisy A. Beck, director and vice president, Council of Asian American Organizations, interview in Houston, Tex., Jan. 14, 1985.

[47] *Asians and Their Neighbors*, p. 70; and R.E. Thomas, county administrative officer, "Myths Concerning Refugees," memorandum to Orange County Board of Supervisors, June 1, 1981.

[48] Ibid., Xiong Interview, Yamashita Interview, and Martinez Interview.

[49] Douglas Hunter, director, Office of Reception and Placement, Bureau of Refugee Programs, U.S. Department of State, Washington, D.C., telephone interview, Mar. 20, 1986. Neither the act nor the cooperative agreement (see app. F) stipulates whether assistance is to be in the form of direct cash assistance or in-kind assistance. Some agencies provide a small amount of cash, while others reimburse sponsors for provision of services. The U.S. Catholic Conference estimates that the average refugee receives $250 in direct assistance or in-kind assistance, at the discretion of the local diocese or voluntary agency, for housing, food, and clothing during the first 90 days. (George Wagner, assistant director for administration, Office of Migration and Refugee Services, U.S. Catholic Conference, Washington, D.C., telephone interview, May 15, 1986.) The International Rescue Committee does not make direct cash payments but may accompany refugees to stores and make purchases for them. (Bob Kerry, resettlement program coordinator, International Rescue Committee, New York, N.Y., telephone interview, May 14, 1986.) Other agencies' policies regarding provision of direct assistance vary as well, but the amount of money is very small compared with the costs of resettlement, and represents a fraction of the per capita grant of $560. (Christine Gaffney, associate director, American Council for Nationalities Service, New York, N.Y., telephone interview, May 20, 1986; and Rev. Donald H. Larsen, director, Lutheran Immigration and Refugee Service, New York, N.Y., telephone interview May 16, 1986.) In order to operate the programs at the national and local levels, agencies generally supplement the State Department grant with private funding from member churches, sponsors, or others.

[50] *Asians and Their Neighbors*, p. 70; Xiong Interview; Steven Owyang, executive legal affairs secretary, State of California Fair Employment and Housing Commission, interview in San Francisco, Calif., Nov. 1, 1984; and Reginald Roberts, community relations officer, Tacoma Police Department, interview in Tacoma, Wash., Nov. 8, 1984 (hereafter cited as Roberts Interview).

[51] Richard D. English, deputy assistant secretary for refugee admissions, U.S. Department of State, letter to J. Al Latham, Jr., staff director, U.S. Commission on Civil Rights, Mar. 19, 1986.

[52] Refugee Act of 1980, Pub. L. No. 96–212, 94 Stat. 102 (1980).

the same statutes and provisions as they are for others on public assistance.[53]

Cultural differences between Americans and recent arrivals also lead to anti-Asian sentiment.[54] Certain customs of refugees are misinterpreted by Americans unfamiliar with the practices. Refugees, on the other hand, may not be aware of American customs or laws and may do things that violate either local ordinances or rules of conduct found acceptable by Americans.[55] Lack of orientation both for refugees on American customs and for the host community on the cultures of the various refugee groups contributes to clashes between the groups.[56]

Economic Competition

The first refugees who arrived in 1975 were generally well-educated Vietnamese of high occupational status. A second wave of refugees arrived between 1979 and 1981 and was comprised of people from all parts of Indochina, including ethnic Chinese from Vietnam, highland Hmong from Laos, other Laotians, and Cambodians. These persons were, for the most part, poorly educated with limited literacy in their own language and little knowledge of English or American culture.[57]

These refugees, as well as those who have arrived more recently, have had little money and few job skills related to work in an industrialized society.[58] They have settled in low-income neighborhoods, have taken low-status, low-paying jobs when available, and have otherwise been eligible for public assistance. This has made them competitors with low-income Americans for the same scarce resources:

> Competition for community-aid services, low-income housing, jobs, and dwindling or already scarce resources has pitted the newly arrived refugee against long-resident Americans, particularly those who are economically marginal and/or socially disadvantaged.[59]

A poll conducted in 1980 in nine cities across the United States showed that 47 percent of those surveyed believed that "Indochinese refugees take jobs away from others in my area."[60] Predictably, competition for jobs and housing has led to tension and sometimes racial conflict between refugees and other low-income groups.[61]

In addition to economic competition among groups, there has been resentment towards some Asian Americans because of international trade competition. Some Americans react to the recent trade imbalance with Japan with alarm, and mistakenly blame Japanese Americans for creating unemployment in the domestic work force.[62] A prime example of this is in automobile manufacturing: By 1982 the Japanese share of automobiles sold in the United States was 22.6 percent.[63] These imports were blamed for creating unemployment among American automobile workers.[64] Although the Japanese share has leveled off since 1982,[65] the "perceived loss of American jobs to Japanese exports. . .whether accurate or not, has generated pressures that make the chronic trade imbalance politically difficult to tolerate."[66] Recently, there has been a "flurry of congressional retaliatory legislation directed at Japan" introduced into both Houses of Congress.[67] Unfortunately, the resentment against Japan resulting from these campaigns may sometimes be transferred to Japanese Americans and perhaps Asians of other nationalities as well.[68]

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[53] Walter Barnes, chief, Office of Refugee Services, State of California, interview in Sacramento, Calif., Nov. 7, 1984; and Clarence A. Williams, bureau chief, Management and Information Planning, Office of Refugee Services, State of California, interview in Sacramento, Calif., Nov. 7, 1984.

[54] Xiong Interview and Elder Interview.

[55] For example, Vietnamese fishermen in various parts of the country were supposedly using fishing techniques that violated "unwritten" rules of practice. See, Paul D. Starr, "Troubled Waters: Vietnamese Fisherfolk on America's Gulf Coast," *International Migration Review*, vol. 15, no. 1 (Spring-Summer 1981), pp. 226–38; and Gilbert Pompa, director, Community Relations Service, U.S. Department of Justice, interview in Chevy Chase, Md., Feb. 13, 1985 (hereafter cited as Pompa Interview).

[56] Coleman Telephone Interview; Elder Interview; and By Khang, project director, Lao Family Community, Inc., interview in Sacramento, Calif., Nov. 6, 1984.

[57] Gim and Litwin, "Profiles of Five Communities," p. 3; and Robert G. Wright, "Voluntary Agencies and the Resettlement of Refugees," *International Migration Review*, vol. 15, no. 1 (Spring-Summer 1981), pp. 163–64.

[58] Wright, "Voluntary Agencies and the Resettlement of Refugees," p. 164.

[59] Norman L. Zucker, "Refugee Resettlement in the United States: Policy and Problems," *Annals of the American Academy of Political and Social Science*, vol. 467 (May 1983), p. 185.

[60] Paul D. Starr and Alden Roberts, "Attitudes Toward New Americans: Perceptions of Indo-Chinese in Nine Cities," *Research in Race and Ethnic Relations*, vol. 3 (1982), table 1, p. 175. Also see, Carroll Morris, director, International Rescue Committee, interview in Houston, Tex., Jan. 15, 1985; and William Thomas, director, Refugee Resettlement Program, Houston Metropolitan Ministries, interview in Houston, Tex., Jan. 14, 1985.

[61] *Asians and Their Neighbors*, p. 81; Beverly Hunter-Curtis, refugee coordinator, Orange County Social Service Agency, interview in Santa Ana, Calif., Nov. 5, 1984; George Suey, national director, Chinese American Citizen's Alliance, interview in San Francisco, Calif., Oct. 29, 1984; Judy Chu, professor of Asian Studies, University of California at Los Angeles, interview, Nov. 1, 1984; Robert P. Sherman, director, Project to Combat Racial Violence, Lawyers Committee for Civil Rights Under Law of the Boston Bar Association, interview in Boston, Mass., Dec. 5, 1984; Wang Interview; Thomas S. Yeepun and Al Santiago, officers, Crime Prevention Office, Fairfax County (Va.) Police Department, interview in Annandale, Va., Sept. 7, 1984; Ron Rowell, director, Refugee Service Program, Catholic Social Services, interview in San Francisco, Calif., Oct. 29, 1984; and Joe Interview.

[62] Kwoh Interview and Wakabayashi Interview.

[63] Dick K. Nanto, "Automobiles Imported from Japan" (Washington, D.C.: Congressional Research Service, Sept. 4, 1985), p. 7.

All of the factors described in this chapter are possible contributory factors to anti-Asian feelings on the part of some Americans. It is difficult, if not impossible, however, to show the degree to which an individual factor, including race, is responsible for specific actions. Rather, it is the combination of several factors that may explain such behavior. As the California Governor's Task Force on Civil Rights reported: "Racial and ethnic conflict is rarely attributable to some single factor, but is usually the result of a complex mixture of historical, cultural, psychological and situational forces."[69]

Survey Results

The previous section identified factors that may contribute to anti-Asian activity. Determining the relative importance of any of these factors is difficult. Surveys of attitudes toward Asians, however, may shed light on their relative significance.

In March 1982, the Roper Organization surveyed 2,000 Americans to determine their attitudes toward 15 different ethnic groups, 4 of which were Asian: Japanese, Chinese, Korean, and Vietnamese. Respondents were asked "on balance" whether each group has "been a good thing or a bad thing for this country." No European ethnic group received lower than a 53 percent positive rating, and no Asian group received higher than a 47 percent positive rating. Japanese were considered to be the minority group that had contributed the most (47 percent), followed by blacks, Chinese, Mexicans, Koreans, Vietnamese, Puerto Ricans, Haitians, and Cubans. Interestingly, positive attitudes toward the Japanese and Chinese outweighed negative attitudes, whereas in the case of Koreans and Vietnamese, more Americans had negative feelings than positive ones.[70]

Attitudes of subgroups of the population show that their beliefs concerning minorities differ by the respondents' race, education, occupation, and income. Attitudes toward all 15 groups become more positive as the educational level of the respondent increases. The pattern holds for differences in occupational status, with executives and professionals viewing all groups more favorably than blue-collar employees.[71]

A 1980 poll of attitudes of Americans in nine cities toward refugees showed that many surveyed were not favorably disposed toward them. Only 21 percent of those surveyed believed that Indochinese refugees should be encouraged to move into their community.[72] Nearly half of those surveyed believed that Indochinese should have settled in other Asian countries, and one-fourth believed that "America has too many Asians in its population."[73] Attitudes differed substantially among cities: On the question of encouraging Indochinese refugees to move into the community, answers ranged from 8 percent positive in Dothan, Alabama, to 31 percent positive in San Francisco.[74] The response to the question, "America has too many Asians," ranged from 15 percent in agreement in San Jose, California, to 49 percent in Dothan, Alabama.[75]

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[64] Raymond J. Ahearn, "Japan-U.S. Trade Relations" (Washington, D.C.: Congressional Research Service, Sept. 17, 1985), p. 10.

[65] Nanto, "Automobiles Imported from Japan," p. 7.

[66] Ahearn, "Japan-U.S. Trade Relations," p. 4.

[67] Ibid., p. 1. On Mar. 28, 1985, the Senate passed a resolution (S. Con. Res. 15) requiring the President to retaliate against Japan if that country does not significantly open its market to American products. 131 Cong. Rec. S3573 (daily ed. Mar. 28, 1985). Legislation introduced during the first session of the 99th Congress to restrict trade with Japan includes H.R. 1060, H.R. 1944, H.R. 2006, S. 728, and S. 774.

[68] Kwoh Interview; Wakabayashi Interview; Takahashi Interview; and Julie Hatta, administrator, Asian Law Alliance, interview in San Jose, Calif., Nov. 8, 1984.

[69] State of California, Governor's Task Force on Civil Rights, "Report on Racial Ethnic and Religious Violence in California" (1982), pp. 38–39. Also see n. 20 accompanying that section.

[70] Roper Organization, *Roper Reports* 82–4 (Mar. 20–27, 1982), question 33.

[71] Ibid.

[72] Starr and Roberts, "Attitudes Toward New Americans," table 1, p. 175.

[73] Ibid.

[74] Paul D. Starr and Alden Roberts, "Attitudes Toward Indochinese Refugees: An Empirical Study," *Journal of Refugee Resettlement*, vol. 1, no. 4 (Aug. 1981), table 1, p. 55.

[75] Ibid.

Offenders

This section describes what is known about people who commit crimes of violence or vandalism or harass and intimidate persons of Asian descent. According to staff of the Community Relations Service of the U.S. Department of Justice, the confict and tensions usually have been between persons of Asian descent and residents who live or work in a particular community or neighborhood.[76] Those identified as committing acts against recent immigrants and refugees from Asia are whites, blacks, and Hispanics.[77]

In communities visited by Commission staff, identified assailants usually are members of the racial or ethnic majority that lives or works in the neighborhoods where refugees have been resettled or where immigrants have established businesses. The director of a resettlement agency in Los Angeles said that the race or ethnicity of the offender depends on the demographics of the neighborhood.[78] A Chinese American community leader explained that in Los Angeles County:

> What you have [in Los Angeles] is Chinese immigrants moving into Latino areas. . .the problems have been between the immigrants and Latinos. . . .If you go next door to Monterey Park or Alhambra where there is more of a middle-class white area, or San Marino. . .the problems are with whites. For Korean businessmen, the confict here has been with the black community. . . .I think geography has a lot to do with who the perpetrator is.[79]

In Massachusetts, the Southeast Asian refugees have been resettled in predominantly white middle- and low-income areas. The majority of the identified offenders have been white.[80] According to a State assistant attorney general, "Sometimes the perpetrator is an individual or a group of residents in a whole neighborhood."[81] In the State, both adults and juveniles have been responsible for actions against persons of Asian descent.[82] According to the Boston Police Department, there were 105 racially motivated incidents against persons of Asian descent reported in the city between 1982 and 1985. There were 19 arrests. A total of 156 perpetrators were involved in the actions. The perpetrators included 144 white males, 5 black males, 6 white females, and 1 Hispanic male. The ages of the perpetrators ranged from 3 to 30 years.[83]

In Seattle and Tacoma, Washington, the refugees have been resettled in predominantly low-income black or Hispanic areas, and the known perpetrators are blacks and Hispanics.[84] In Texas, hostile acts against refugees have been committed by Hispanics and whites, depending on the racial or ethnic group predominating in the communities where incidents occurred.[85]

In Philadelphia, harassment and vandalism by whites and blacks against Korean immigrants, Asian Americans, and Southeast Asian refugees have occurred in various parts of the community.[86] An assistant United States attorney reported that in west Philadelphia the perpetrators were, for the most part, juveniles who had been guilty of committing crimes against everyone in the neighborhood.[87] In Orange and Los Angeles Counties and in Davis, California, incidents against refugees from Southeast

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[76] Pompa Interview; Martinez Interview; Walsh Interview; and Frank Tyler, Jr., conciliation specialist, Mid-Atlantic Region, Community Relations Service, U.S. Department of Justice, interview in Philadelphia, Pa., Jan. 23, 1985. The Community Relations Service (CRS) of the U.S. Department of Justice assists communities in resolving conflicts related to race and national origin throughout the United States. There are 10 regional offices and 3 area offices. The agency promotes preventive and conciliatory measures as well as mediation in order to prevent or resolve conflict and tensions in the community. The agency also monitors and maintains information on incidents involving different racial and ethnic groups that are reported to the CRS.

[77] Roberts Interview, Pompa Interview, Tsuchida Interview, and Yang Interview.

[78] Lavinia Limon, director, International Rescue Committee, interview in Los Angeles, Calif., Oct. 31, 1984 (hereafter cited as Limon Interview). The International Rescue Committee is a voluntary resettlement agency. Its purpose is to process, resettle, and assist refugees through services. Since 1975 the Los Angeles office has resettled Southeast Asian refugees throughout Los Angeles County.

[79] Lock Interview. Also see, Kwoh Interview and Limon Interview.

[80] Diana Tanaka, assistant attorney general, Civil Rights Division, Massachusetts Department of the Attorney General, interview in Boston, Mass., Dec. 6, 1984 (hereafter cited as Tanaka Interview).

[81] Ibid.

[82] Ibid. and Walsh Interview.

[83] The information on offenders of racially motivated incidents against persons of Asian descent from 1982 to 1985 was provided by Sgt. William Johnston, detective, Community Disorders Unit, Boston Police Department, letter to Clinton Black, civil rights analyst, U.S. Commission on Civil Rights, Aug. 6, 1985.

[84] McElroy Interview and Roberts Interview.

[85] Pompa Interview.

[86] Philadelphia Commission on Human Relations, "Asian/American Tension Incident Reports, January 1982-September 1985," provided by Philadelphia (Pa.) Police Department, October 1985.

[87] Robert G. Welsh, Jr., assistant U.S. attorney, Eastern District of Pennsylvania, U.S. Department of Justice, interview in Philadelphia, Pa., Jan. 24, 1985.

Asia occurred in predominantly white upper and middle-income areas.[88] In Los Angeles, New York City, and Washington, D.C., tensions have been reported between members of the Korean business community who have established businesses in predominantly low-income, black areas and local black residents.[89]

Sometimes, victims or witnesses can identify the race or ethnicity of individuals responsible for actions against persons of Asian ancestry. However, unless police arrest and maintain reports on perpetrators of racially motivated offenses, or the offender is prosecuted, very little is known about persons who commit these acts.[90] Thus, in New York City, although the police department keeps separate statistics on racially motivated crimes, as of August 28, 1985, there had been no arrests in connection with crimes that had been designated as racially motivated against persons of Asian descent, and the department did not have any information concerning the perpetrators of these offenses.

Summary

The factors that may contribute to anti-Asian sentiment in the United States include increasing numbers of persons of Asian origin and their changing demographic patterns, problems in the resettlement process for refugees, and competition between low-income refugees and other low-income groups for jobs and housing. Anti-Asian sentiment can also be reinforced by misconceptions about persons of Asian descent, particularly that they are "foreign" and that they are all the same. Interwoven with all of these factors is the issue of race.

Determining the extent to which race is a factor in the commission of crimes against Asian and Pacific Island Americans is usually the responsibility of law enforcement and other public officials. Several State laws have been passed concerning racially motivated crimes; officials responsible for enforcing these laws have developed some criteria to determine whether a crime is racially motivated, and the Commission has relied on these determinations for this report. Although a few departments keep information on perpetrators of such crimes, most do not; furthermore, many offenders in these crimes are not caught. The information available suggests that assailants are often members of the racial or ethnic majority that lives or works in the neighborhoods where refugees have been resettled or where immigrants have established businesses.

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[88] Mentink and Sackett Interview; Kathleen J. Cullinane, executive director, St. Anselm's Immigrant and Refugee Community Center, interview in Garden Grove, Calif., Nov. 5, 1984; and Rusty Kennedy, executive director, Orange County Human Relations Commission, interview in Santa Ana, Calif., Nov. 5, 1984.

[89] Tong Soo Chung, president, Korean American Coalition, interview in Los Angeles, Calif., Oct. 29, 1984; Dong Soo Ha, secretary general, Korean Association of New York, interview in New York City, N.Y., Dec. 7, 1984; and Eugene S. Kay, president, Korean Association of Greater Washington, interview in Washington, D.C., Apr. 18, 1985.

[90] Leake Interview. One community relations specialist said, "The majority of the perpetrators of racially motivated acts are not known." Joan Weiss, former director of community relations, Montgomery County (Md.) Human Relations Commission, interview in Rockville, Md., Jan. 14, 1985. As part of its investigation, Commission staff attempted to determine whether law enforcement agencies maintain information on perpetrators of racially motivated offenses against persons of Asian descent. So few agencies were found to keep such statistics that the statistics are not generalizable to all such incidents nationwide.

Chapter 4

Recent Racially Motivated Violence, Harassment, and Intimidation

This chapter presents recent examples of racially motivated violence, harassment, and intimidation against Asian Americans, immigrants, and refugees in different areas of the country that were reported to the Commission. It also discusses the perpetrators of these actions and the factors that contributed to these offenses. The detailed discussion shows that the victimization of persons of Asian descent occurs in diverse locations across the country and affects a wide range of Asian ethnic groups.

Since 1982 reported incidents include physical assaults and violence, anti-Asian slurs, harassment, intimidation, and vandalism. Examples of acts of physical assault and violence have occurred in:

- Seattle, Washington, where shots have been fired into some of the homes of Southeast Asian refugees.
- New York City, where a Chinese American woman was pushed in front of a subway train. The alleged offender pleaded insanity, explaining that he has a "phobia about Asians."[1]

In addition, there have been reports of anti-Asian slurs, slogans, literature, signs, and bumper stickers; harassment and intimidation; and vandalism against Asian-owned residences, churches, and businesses. Examples of anti-Asian slogans, signs, and slurs have occurred in:

- California, where the word "Jap" was spray-painted on the garage door of a Japanese American State legislator.
- Houston, Texas, where a public health official characterized Chinese and Vietnamese restaurants as having "different standards of cleanliness than we do. They think it's clean and we think it's awful."
- Los Angeles County, where there have been anti-Japanese bumper stickers that read, "Toyota - Datsun - Honda - and Pearl Harbor" and "Unemployment Made in Japan."
- Flint, Michigan, where a display at an automobile exhibit depicted a car "constructed as a caricature of a Japanese face, dropping a bomb on Detroit." United States Rep. Robert Matsui urged that the display be removed "immediately."
- San Francisco, where anti-Asian brochures were placed on car windows and on posts by a group calling itself the White American Resistance Movement.
- Tacoma and Seattle, Washington, where there were reports of anti-Asian graffiti and racial slurs against persons of Asian descent.[2]

Examples of harassment and intimidation have occurred in:

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[1] Gil Hirabiyashi, community relations specialist, Northwest Region, Community Relations Service, U.S. Department of Justice, interview in Seattle, Wash., Nov. 6, 1984; and Margaret Fung, staff attorney, Asian American Legal Defense and Education Fund, interview in New York City, N.Y., Dec. 5, 1984.

[2] Rep. Robert T. Matsui, (written) statement submitted to the U.S. Commission on Civil Rights, Oct. 31, 1984, p. 2 (appendix A of this report); Human Rights/Fair Housing Commission of the City and County of Sacramento, "Hearing on Bigotry and Violence Against Asian Pacific Americans," May 17, 1984 (hereafter cited as "Hearing on Bigotry and Violence"); Lillian K. Sing, judge, Municipal Court of the City and County of San Francisco, interview in San Francisco, Calif., Oct. 31, 1984; Michael Tsuchida, deputy sheriff, Community Resources Bureau, County of Sacramento, interview in Sacramento, Calif., Nov. 6, 1984 (hereafter cited as Tsuchida Interview); and Sgt. Sam Masada, detective, Asian Task Force, Los Angeles Police Department, interview in Los Angeles, Calif., Oct. 20, 1984.

- Montgomery County, Maryland, where five racially motivated actions against persons of Asian descent were reported in 1984. These included one physical assault and one incident of harassment.
- Orange County, California, and Fairfax County, Virginia, where persons of Asian descent have been harassed and intimidated by other residents.
- Providence, Rhode Island, where Cambodian and Hmong refugees have been harassed and verbally abused by other residents.[3]

Examples of vandalism against Asian-owned businesses and properties have occurred in:

- Alhambra, California, where there were reports of "malicious mischief" directed at Asian-owned establishments and buildings.
- Fairfax, Virginia, where a non-Asian, whose neighbor is of Asian descent, found his car vandalized and anti-Asian graffiti painted on it. Apparently, the perpetrator thought the car belonged to the neighbor.
- Garden Grove, California, where a church that resettles and provides services to Southeast Asian refugees was vandalized with graffiti reading "Gooks Go Home" and "No Nips." The Vietnamese chaplain was spat on.[4]

A detailed picture of racially motivated activities was presented by the deputy sheriff of Sacramento County in his testimony before the Sacramento Human Relations Commission about racially motivated crimes against Indochinese refugees. He said that in 1982, of approximately 60 crimes against refugees in Sacramento County, 25 were classified as racially motivated. In 1983, of 80 crimes involving refugees, 35 were racially motivated. Between January 1984 and April 1984, 11 offenses were racially motivated.[5] Offenses included vandalism of cars and dwellings, misdemeanor assaults (refugees sprayed with fire extinguishers), and a felony assault (bodily injury with a weapon).[6] In an interview with the Commission staff, the deputy sheriff also reported other incidents such as harassment and intimidation of Indochinese children, physical assault of four elderly Indochinese women, vandalism of apartments, and additional misdemeanor assaults (e.g., eggs thrown at refugees). The deputy sheriff told of one racially motivated case in particular: "It involved a 37-year-old white man who took a 15-year-old kid and rammed his head into a pole a couple of times. This man said he did it because he did not like Asians."[7] The deputy sheriff said that once he was mistaken for a refugee, and someone tried to run him off the road.[8]

In Davis, California, two police officials reported a number of racially motivated offenses against persons of Asian descent.[9] These included distributing anti-Asian literature in Davis High School, spray-painting an anti-Asian slogan on a store owned by a Vietnamese, defacing a memorial for a slain Vietnamese high school student, using fire extinguishers on two students of Asian descent, delivering hate mail to a University of California professor of Asian descent, and stabbing of a Chinese university student by a white male.[10]

Reports obtained from social science literature, testimony at hearings, and letters from individuals who have experienced anti-Asian activity also reveal that tensions and race-related conflicts between residents of Asian descent and other residents exist in different parts of the country. The Japanese American Citizens League, a civil rights organization headquartered in San Francisco, California, reported race-related events across the Nation against persons of Asian descent between 1981 and 1984.[11]

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[3] Joan C. Weiss, former director of community relations, Montgomery County (Md.) Human Relations Commission, interview in Rockville, Md., Jan. 14, 1985; Kathleen J. Cullinane, executive director, St. Anselm's Immigrant and Refugee Community Center, interview in Garden Grove, Calif., Nov. 5, 1984; Rusty Kennedy, executive director, Orange County Human Relations Commission, interview in Santa Ana, Calif., Nov. 5, 1984; Thu H. Bui, assistant principal, J.E.B. Stuart High School, Falls Church, Va., interview, July 30, 1985; and John Finck, "The Indochinese in America: Progress Towards Self-Sufficiency," *World Refugee Survey/1983*, p. 58. (The publication is sponsored by the U.S. Committee on Refugees and the American Council for Nationalities Service in New York City.)

[4] Jon Elder, chief of police, Monterey Park Police Department, interview in Monterey Park, Calif., Nov. 1, 1984; Joseph Malloy, chief of police, Alhambra Police Department, interview in Alhambra, Calif., Nov. 2, 1984; and Michael Cash, assistant director, Fairfax County Human Relations Commission, interview in Fairfax, Va., Jan. 10, 1985.

[5] Michael Tsuchida, deputy sheriff, Community Resources Bureau, Sacramento County Sheriff's Department, testimony, "Racially Motivated Crimes Against Indochinese," in "Hearing on Bigotry and Violence," p. 29.

[6] Ibid., p. 30.

[7] Tsuchida Interview.

[8] Ibid.

[9] Victor M. Mentink, chief of police, Davis Police Department, and Sgt. Leo Sackett, Community Resources Unit, Davis Police Department, interview in Davis, Calif., Nov. 5, 1984.

[10] Ibid.

[11] Unpublished material provided by the Japanese American Citizens League's office in San Francisco, California. The

Such actions included: anti-Asian bumper stickers that read "Forget Pearl Harbor, Remember Detroit" and "I'd rather eat worms than ride a Jap bike"; the defacement of a Chinese American church, the arson of a Buddhist temple, and the vandalism of Japanese American tombstones; anti-Asian signs and leaflets; suspicious and unsolved murders of a Vietnamese woman in California, a Cambodian refugee in Texas, and an Indochinese refugee in Boston; and the burning of a Japanese American woman by "neighborhood children." The organization also reported that in Michigan, a Wayne State University law student won a pumpkin-carving contest with a "depiction of the Vincent Chin slaying." The work had "oriental features and was bashed with a baseball bat."[12]

A letter sent to the Japanese American Citizens League and forwarded to the Commission discussed an experience of a Japanese American high school student in California in 1984.[13] The letter reports:

> [A] Caucasian student. . .was trying to cheat during an exam. . . .She was looking with downcast eyes toward another girl's paper. . . .The instructor said, for the rest of the class to hear,. . .if you keep that up, you'll get slant-eyes just like [the Japanese American student].[14]

The mother of the Japanese American student confronted the teacher for "making fun of her [daughter] and implying that Asians cheat."[15] Eventually, after pressing the issue, she received a letter of apology from the instructor, who also apologized to the class for the remarks.[16]

Witnesses at hearings held by human relations commissions, including those in Los Angeles, Sacramento, and Philadelphia, have testified about racially motivated activity in various parts of the country. For example, at the Sacramento Commission's hearing, an attorney with Asian Legal Services Outreach, Inc., reported numerous incidents in northern California.[17] In North Highlands, non-Asians have firebombed cars, slashed tires, broken windows, and shot into the homes of Hmong refugees who have resettled in the area. In addition, the attorney reported that in the same area a Laotian juvenile was "brutally beaten" with a steel pole, and other Indochinese students have been physically assaulted. For example, "an Indochinese child was choked in a school bus, and another was hit by a baseball bat at a bus stop."[18] She reported that in Rancho Cordova, smoke bombs and firecrackers have been thrown at refugee students.[19]

Other witnesses at the Sacramento Commission's hearing reported similar offenses against persons of Asian descent, including the "shotgun wounding" of a Cambodian child in Houston, Texas, and vandalism of businesses and homes owned by persons of Asian descent in parts of California.[20] Another witness reported on the activities against refugee tenants by some landlords in the Sacramento area.[21] She testified that some landlords have imposed illegal fines, retaliated against tenants who report problems to other agencies, refused to make repairs, increased rents arbitrarily, kept deposits, and verbally abused refugee tenants.[22]

In addition to studies, testimony, and interviews, individuals and organizations have written to the Commission about their experiences and knowledge of anti-Asian activity. In November 1984, a Japanese American who lives in Burlington, Vermont, reported that he had been verbally harassed and intimidated by non-Asians who accused him of being "responsible for the Vietnam War."[23] Another Japanese American, who lives in Arcata, California, reported that he had been the victim of racial slurs and harassed because of his race.[24]

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material includes some anti-Asian incidents and events nationwide that were reported to the organization. The league has been monitoring anti-Asian activity in this country for approximately 50 years.

[12] Ibid., p. 3.

[13] Karen Seriguchi, editor, *Pacific Citizen*, Japanese American Citizens League, letter and attachments to Caroline Davis Gleiter, assistant staff director for research, U.S. Commission on Civil Rights, Mar. 25, 1985.

[14] Ibid.

[15] Ibid.

[16] Ibid., p. 3.

[17] Goldie Eng, attorney, Asian Legal Services Outreach, Inc., testimony, "Hearing on Bigotry and Violence," p. 64.

[18] Ibid.

[19] Ibid.

[20] Ibid.; Tim Shironaka, coordinator, Indochinese Refugee Assistance Program, Sacramento, Calif., testimony, "Hearing on Bigotry and Violence," p. 49; and Ferdinand Galvez, member, Asian Pacific American Advocates of California, testimony, "Hearing on Bigotry and Violence," p. 6.

[21] Josie Steelman, staff, Friends of the Indochinese Community, testimony, "Housing Discrimination Against the Indochinese," in "Hearing on Bigotry and Violence," p. 42.

[22] Ibid.

[23] Michiyo Fukaya, letter to Thomas R. Watson, supervisory civil rights analyst, U.S. Commission on Civil Rights, Nov. 18, 1984.

[24] Thomas Okazaki, letter to Thomas R. Watson, supervisory civil rights analyst, U.S. Commission on Civil Rights, Nov. 21, 1984.

In 1985 the Commission received reports from the Organization of Chinese Americans, Inc., in Washington, D.C., of an incident against a person of Asian descent in Michigan. The Organization of Chinese Americans has been monitoring acts of violence and harassment against a Chinese immigrant who lives in Grand Ledge, Michigan.[25] In January 1985, four white males allegedly "broke into the refugee's home and attempted to murder" the victim.[26] The refugee's wife said that when she opened the door, she was told by the men that they came to "get your Chinese husband, and all the Chinks inside."[27] The letter stated that the four men "began knocking on the door, repeatedly rang the bell, broke the windows, pulled two five-inch knives, and used the knives to break the front door."[28] According to the organization's national executive director, the defendants have been charged with breaking and entering and attempted murder.[29]

Detailed Incidents

This section discusses, in detail, different groups of incidents of violence, harassment, and intimidation against persons of Asian descent. They include: (1) the death of Vincent Chin, a Chinese American, in Detroit, Michigan; (2) the stabbing of a Vietnamese high school student in Davis, California; (3) the physical assault on a Laotian immigrant in Fort Dodge, Iowa; (4) the physical assault, harassment, and intimidation of Southeast Asian refugees who have settled in Massachusetts; (5) the harassment and intimidation of the Hmong in Philadelphia, Pennsylvania; and the intimidation of Asian entrepreneurs, including (6) Vietnamese fishers in Florida, Texas, and California, and (7) Korean merchants in Los Angeles, New York City, and Washington, D.C.

The first two offenses illustrate serious physical violence that resulted in the death of two persons of Asian descent; the third, fourth, and fifth actions reflect the physical assaults endured by newly arrived refugees and immigrants from Southeast Asia; and the last two examples illustrate the reaction of various communities to newly arrived Asian entrepreneurs.

The Vincent Chin Case

The recent national monitoring and reporting of racially motivated actions against persons of Asian descent began in 1982 with the death of Vincent Chin, a Chinese American, in Detroit, Michigan. On June 19, 1982, two white males "began an argument" with Chin in a lounge, calling him "Chink," "Nip," and other "numerous obscenities."[30] After being ejected from the lounge, one of the white men "obtained a baseball bat from his automobile" and, with the other man, "chased Vincent Chin out of the. . .parking lot."[31] The two defendants located Chin, and one struck Chin with the bat "numerous times in the knee, the chest, and the head."[32] The victim died 4 days later.

The two defendants, who were laid-off automobile workers, apparently believed Chin was Japanese and allegedly blamed him for the layoffs in the industry. According to one witness, one of the defendants made "an offensive racist remark" and said "because of you [Chin]. . .we're out of work."[33]

The two defendants were charged by the Wayne County, Michigan, District Attorney's office with second degree murder. In March 1983, one defendant pled guilty to manslaughter, and the other defendant pled *nolo contendere* to the same charge.[34] Wayne County Circuit Court Judge Charles Kaufman sentenced both defendants to 3 years' probation and fined them $3,780 each.[35]

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[25] Henry K. Mui, national executive director, Organization of Chinese Americans, Inc., letter to Naomi Verdugo, social science analyst, U.S. Commission on Civil Rights, Jan. 14, 1985, p. 1.

[26] Ibid.

[27] Ibid., p. 2.

[28] Ibid.

[29] Henry K. Mui, national executive director, Organization of Chinese Americans, Inc., Washington, D.C., telephone interview, Mar. 12, 1985.

[30] Indictment at 2, U.S. v. Ebens, No. 83-60629 (E.D. Mich. 1983).

[31] *Id.*

[32] *Id.*

[33] Brief in Opposition to Government's Motion in Limine to Exclude Evidence Concerning United States Attorney's Letter Admitting There Was No Evidence to Support a Federal Prosecution of the Defendants at 1, *Ebens.*

[34] Government's Brief in Support of Its Motion in Limine to Exclude Evidence State Court Proceedings Against Defendants at 1, *Ebens.* A person who pleads *nolo contendere,* or no contest, does not admit guilt, but can be subjected to punishment as though he had pled guilty, the determination of guilt remaining open in other proceedings.

[35] See, Charles Kaufman, presiding judge, Criminal Division, Circuit Court for the Third Judicial Circuit of Michigan, "Response to Concerns Raised Regarding Probation Sentences in the Killing of Vincent Chin," May 4, 1983, p. 1. In response to concerns raised regarding the probation of the defendants, Judge Kaufman remarked:

> Michigan law provides for a maximum sentence of 10 to 15 years imprisonment for persons convicted of Manslaughter,

Asian and Pacific Island Americans were incensed about the lenient sentences, which they considered a sign that they were not considered Americans who are worthy of equal protection of the laws.[36] Asian American organizations joined together, galvanized by Chin's death and the light sentences received by the defendants, to demand an investigation by the U.S. Department of Justice.[37] That Department ultimately examined the case for possible Federal civil rights violations. The case was referred to a Federal grand jury, and on November 2, 1983, indictments were returned against both defendants, charging them with two counts of Federal civil rights violations.[38] On June 28, 1984, a U.S. district court jury found one of the defendants guilty of interference with Chin's civil rights, but acquitted him on the charge of conspiracy to violate his civil rights.[39]

In handing down the guilty verdict, the jury found that the assault on Chin was indeed racially motivated and that a violation of his civil rights had taken place. On September 18, 1984, the U.S. District Court for the Eastern District of Michigan sentenced the guilty defendant to 25 years in prison and recommended that he be placed in an institution where he could receive treatment for alcoholism.[40] The other defendant, who apparently was not directly involved in beating Chin, was acquitted.[41]

Davis, California

In May 1983, an altercation involving juveniles at a high school in Davis, California, resulted in the fatal stabbing of Thong Huynh, a Vietnamese student, by a white student. The case was not tried under Federal or State civil rights statutes, although members of the Asian American community believed the crime was racially motivated.[42]

According to a summary of the transcript of the trial:

> On May 4, 1983,. . .[the defendant] walked towards his car in a Davis High School parking lot. On his way, he met [a friend]. . . .As the two of them continued across the firelane. . .[four Vietnamese students] were returning from the lot to campus. [The friend] accosted [one of the Vietnamese students], resulting in a verbal exchange. [The defendant] went to his car in the parking lot. . . .[The friend and the Vietnamese student] engaged in a pushing match and then [the friend] punched [the Vietnamese student]. [The other three Vietnamese students] joined the fight against [the defendant's friend]. . . .[The defendant] returned from the parking lot, took out a knife. . . .The knife was in clear view. . . .Two of the Vietnamese students turned and came at [the defendant]. . . .As [the defendant] brought his right arm back down, Thong Huynh stepped into the fight. The knife entered Huynh's body.[43]

The only participant who had a weapon was the defendant.

The principal of Davis High School interviewed students who witnessed not only the fight, but also a previous altercation between the whites and Vietnamese. According to him, there had been a verbal altercation between the Caucasian and Vietnamese students 1 month before Huynh was stabbed.[44]

> although only 40 percent of such persons are actually sentenced to prison. There is, in fact, no required minimum sentence and even a suspended sentence. . .would be legally permissible. . . .The background of these particular offenders, neither of whom has a previous record, suggests that it is unlikely that they will violate probation. The prevailing philosophy in Michigan is this: that the sentence be tailored to the criminal although the actual crime is an element in considering the sentence. This is why a habitual criminal might be given a relatively severe sentence, when, for the same offense, a first offender is usually given leniency. After weighing all the considerations. . .this probationary sentence was arrived at. . . .I felt that this was a just sentence. . . .Contrary to what some individuals have suggested, this sentence was, in no way, motivated by racism.

Ibid., pp. 1-2.

[36] See, American Citizens for Justice, "The Case for Vincent Chin: A Tragedy in American Justice," Oak Park, Mich., May 1, 1983; and American Friends Service Committee, New England Regional Office, "The Case for Vincent Chin: A Tragedy in American Justice," *Outlook on Justice*, vol. 1, no. 9 (February 1984).

[37] Ibid.

[38] Indictment at 1-3, *Ebens*.

[39] *Ebens* (1984) (Judgment and Probation/Commitment Order).

[40] *Id.*

[41] Sherry Stamps, deputy court clerk for U.S. District Court Judge Anna Diggs Taylor, Detroit, Mich., telephone interview, Aug. 1, 1985.

[42] George Kagiwada, associate professor, Asian American Studies, University of California at Davis, Calif., interview, Nov. 5. 1984 (hereafter cited as Kagiwada Interview); Nguyen Van Hanh, president, Bach Viet Association, Inc., interview in Sacramento, Calif., Nov. 6, 1984 (hereafter cited as Van Hanh Interview); Michael Blair, job developer, Bach Viet Association, interview in Sacramento, Calif., Nov. 6, 1984. Bach Viet Association, Inc., is a community-based organization that assists Indochinese refugees with emphasis on cultural, interracial, social, and economic services.

[43] Statement in Support of Own Recognizance Release/Bail Reduction, People v. Pierman at 2-3, No. 7838 (Super. Ct. Cal. 1984).

[44] David Murphy, principal, Davis High School, interview, Nov. 5, 1984.

The defendant admitted that he was holding a knife "and that the knife made contact with the deceased resulting in the death of the deceased."[45] The jury was required to decide whether the offense was first or second degree murder, voluntary or involuntary manslaughter, or a justifiable or excusable homicide.[46] In October 1984, the defendant was convicted of voluntary manslaughter[47] and sentenced to a 6-year prison term to be served in the California Youth Offenders program.[48]

Two controversial aspects of the case were the conviction and the sentence received by the defendant. The defense attorney sought a conviction for involuntary manslaughter or acquittal, while the prosecutor sought a conviction for second degree murder.[49] The district attorney contends that the judge's instructions to the jury concerning the meaning of voluntary manslaughter and second degree murder were confusing and may have been responsible for the jury's decision to convict the defendant of voluntary manslaughter rather than second degree murder.[50] Some Asian and Pacific Island Americans were disturbed by the controversial conviction of the defendant and by the fact that the district attorney did not raise racial motivation as a factor in the commission of the crime. Their reactions to the handling of this case and its outcome were similar to the response that was demonstrated after the original sentences in the Chin case.[51]

According to an associate professor at the University of California at Davis:

> There was reluctance to admit that the incident was racially motivated. There was a climate that would support that kind of activity. There were racial slurs prior to the incident and tension between the white and Vietnamese students. Teachers and students don't take such incidents seriously. The district attorney's position was that [the defendant] did not make racial slurs. . .that the other Caucasian was the outspoken bigot. The D.A. thought that racial motivation would have been more difficult to prove and it would have been difficult to obtain a murder conviction.[52]

The district attorney explained:

> We gave a great deal of thought in the case about race. It was clear that the other [Caucasian] boy involved used racial epithets. However, there was no evidence that the defendant who stabbed the Vietnamese student participated in the racial taunting of the Vietnamese students.[53]

Although the conviction of the defendant was not based on race, Asian Americans point to this case as an example of the treatment received by persons convicted of such violent crimes.

Fort Dodge, Iowa

In May 1983, a 23-year-old white male physically assaulted a Laotian male immigrant "without justification."[54] According to the victim's report, the defendant struck him "in the mouth, left eye, forehead, and left ear causing bodily injuries which required six stitches."[55] The assailant was charged and found guilty of intermediate assault.[56] The defendant, a long-time employed resident of Fort Dodge, pled guilty to the offense.

The offender was sentenced to 6 months in jail, but the judge suspended the sentence, and the defendant was placed on probation. He was ordered to make full restitution for the victim's medical bills and to write an essay of more than 25 words on a topic chosen by his probation officer and submit it to the court for approval.[57] The offender paid the victim's medical bills and wrote the essay concerning the Laotian people, which was approved.[58] The probation officer made the following assessment:

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[45] Motions in Limine at 1, *Pierman.*

[46] *Id.*

[47] Verdict of the Jury, *Pierman.*

[48] David Henderson, district attorney, Yolo County, Calif., telephone interview, Feb. 19, 1985 (hereafter cited as Henderson Telephone Interview).

[49] Ibid.

[50] Ibid. According to the district attorney, the judge originally instructed the jury that, to find the defendant guilty of second degree murder, there had to be "specific intent" to kill the victim on the defendant's part. The district attorney argued that, since the defendant brought a knife into the act, an "implied theory of intent" should have held (i.e., the defendant's possession of the knife itself implied intent to kill). The judge submitted handwritten instructions concerning implied intent to the jury during the deliberations, but, according to the district attorney, the ambiguity concerning the definition of second degree murder was apparently not sufficiently resolved. He believed that the conviction for voluntary manslaughter was a compromise between second degree murder and involuntary manslaughter, the latter of which lacks a component of criminal intent. Henderson Telephone Interview.

[51] Kagiwada Interview; Van Hanh Interview; and Patricia M. Fong, volunteer, Asian Legal Services Outreach, Inc., interview in Sacramento, Calif., Nov. 7, 1984.

[52] Kagiwada Interview.

[53] Henderson Telephone Interview.

[54] Information, State v. Van Ornum, No. 12793 (D. Iowa 1983).

[55] Preliminary Information, *Van Ornum.*

[56] Judgment Entry at 1, *Van Ornum.* In Iowa, a person is guilty of intermediate assault if he or she is found guilty of an assault "without the intent to inflict a serious injury upon another, and [which causes] bodily injury or disabling mental illness." Intermediate assault is considered to be a "serious misdemeanor." Iowa Code Ann. §708.2 (Supp. 1985).

[57] Judgment Entry at 2, *Van Ornum.*

> Although [the offender] professed a greater understanding of the Asian peoples, he consistently held on to his belief that "they" did not belong in this country and thus he was somewhat justified in what he said and did. Any attempt. . .to raise [his] consciousness on that issue was met with contempt on his part. He did, however, refrain from any further assaultive behavior and fully understands the consequences if he engages in such.[59]

The controversial aspect of the case was the sentence that the defendant received. Members of the Asian community felt that the punishment for the racially motivated assault was very lenient.[60] They believe it is another example of the criminal justice system's failure to treat violence against persons of Asian descent as a serious offense.[61]

Assaults on Refugees in Massachusetts

A legal assistant in the Masachusetts Attorney General's Civil Rights Division, which handles racially motivated complaints, stated: "There have been approximately 20 complaints concerning acts against Southeast Asian refugees since May 1983. The office investigated 10 that appeared to involve racial motivation."[62] These offenses included physical assaults such as beating and rock throwings, vandalism of cars, arson, intimidation, and the use of racial epithets and slogans.[63] The majority of the victims of Asian descent have been Cambodian, Vietnamese, and Laotian refugees resettled in the State. A Massachusetts assistant attorney general said, "Rock throwing at the Southeast Asian refugees is an everyday occurrence."[64] In 1984 Attorney General Francis X. Bellotti noted in a press release:

> Racially motivated violence is a serious problem for Southeast Asian residents in our State. Often, these individuals cannot even walk along the public streets without being physically attacked and threatened because of their race or national origin.[65]

The Massachusetts Attorney General's office has investigated complaints of racially motivated activities against Southeast Asian refugees. Some of the investigations involving Southeast Asian victims have led to civil injunctions under the Massachusetts Civil Rights Act.[66] Under the act, a civil injunction prohibits individuals from continuing racially motivated incidents against the victim.

One of the department's officials noted:

> The civil injunction has been a good deterrent. Most of the perpetrators have been affected by it. Although the injunction does not mean a perpetrator is guilty, his or her parole from a previous conviction, for example, can be revoked if violations occur under the civil injunction.[67]

In filing a complaint charging a white juvenile defendant with violating the Massachusetts Civil Rights Act based on allegations that the offender had twice attacked Vietnamese residents, the Massachusetts Attorney General said, "By this and similar lawsuits, my office seeks to assure the members of the Vietnamese, Cambodian and Laotian communities the same basic civil rights as all residents of the Commonwealth."[68]

At least eight civil injunctions involving victims of Asian descent have been filed by the Massachusetts Attorney General's office. One injunction sought to prohibit nine white youths from further injuring or communicating with four Vietnamese residents. This injunction grew out of an incident in May 1985, when nine white youths (seven males and two females from ages 16 to 21) physically assaulted four Vietnamese residents in south Boston. Accordinging to the injunction, "Throughout the attack, as the defendants threw rocks and bottles at the Vietnamese and their homes, they were shouting racial slurs and threats, such as 'gooks. . .go back to China'. . . ."[69] According to the complaint, two of the defendants who were drinking broke into the apartment of one of the victims. The victim went outside and was confronted by the perpetrators. One of the defendants hit the victim and shouted racial slurs at him and at a Vietnamese woman. The other defendants began to throw bottles and rocks at the Vietnamese. As the Vietnamese tried to run, one fell and "was kicked by several of the male defendants."[70]

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[58] Order of Discharge from Probation Imposed for Serious Misdemeanor Conviction at attachment, Recommendation for Discharge from Serious Misdemeanor Probation at 1, *Van Ornum*.

[59] *Id.*

[60] See, Allan L. Seid, president, Asian Pacific American Advocates of California, testimony, "Anti-Asian Animosity and Violence; Roots, Roar, and Remedies," Los Angeles County Commission on Human Relations Hearing on Rising Anti-Asian Bigotry, pp. 9-10; and Stewart Kwoh, director, Asian Pacific American Legal Center, interview in Los Angeles, Calif., Oct. 31, 1984.

[61] Ibid.

[62] Gail Suyemoto, legal assistant, Civil Rights Division, Massachusetts Department of the Attorney General, interview in Boston, Mass., Dec. 6, 1984 (hereafter cited as Suyemoto Interview).

[63] Diana Tanaka, assistant attorney general, Civil Rights Division, Massachusetts Department of the Attorney General, interview in Boston, Mass., Dec. 6, 1984 (hereafter cited as Tanaka Interview).

[64] Ibid.

[65] Francis X. Bellotti, attorney general, "Bellotti Obtains Court Order Protecting Vietnamese Refugees," news release, Department of the Massachusetts Attorney General, Sept. 21, 1984, p. 1 (hereafter cited as Bellotti News Release).

[66] Tanaka Interview and Suyemoto Interview.

[67] Joan Entmacher, division chief, Civil Rights Division, Massachusetts Department of the Attorney General, interview in Boston, Mass., Dec. 6, 1984 (hereafter cited as Entmacher Interview).

[68] Bellotti News Release, p. 2.

In June 1985, the State attorney general instituted an action for injunctive relief under the Massachusetts Civil Rights Act to enjoin the defendants from "interfering, by threats, intimidation or coercion, with the rights of Vietnamese and other residents of South Boston. . . ."[71] In the same month, a superior court judge granted the injunctive relief.[72]

In September 1984, a complaint was filed against a white male teenager who physically assaulted two Vietnamese residents in Dorchester.[73] The juvenile was tried in the Dorchester Court Juvenile Session for assaulting one of the victims and was directed to perform 50 hours of community service.[74] While on probation, the defendant assaulted another Vietnamese person. During the arrest, the offender said, "[H]e was only a gook. . . .I'm already on probation for this same [offense]. I only hit him once."[75] The restraining order enjoined the defendant from assaulting, injuring, or damaging the victims and their property, and communicating with the two victims or any members of their families or households.[76]

One area of Massachusetts where refugees from Southeast Asia have been victimized repeatedly because of their race is in Revere, a suburb of Boston. Since 1983 there have been numerous reports of harassment, intimidation, vandalism, and arson against Cambodian residents who live there. In the past 2 years, Attorney General Bellotti's office has obtained at least three injunctions protecting Cambodians living in Revere.[77]

One of the actions for injunctive relief was filed to enjoin two white male adults and one unidentified offender from threatening and harassing Cambodian residents in Revere.[78] In August 1983, the three defendants "grabbed" a Cambodian resident from his car, "causing injury to his neck and throat."[79] When another Cambodian resident tried to assist him, he too was grabbed and pushed.[80] According to the complaint:

> The defendants stated that they were Vietnam veterans who were angry that Vietnamese were coming to this country and buying new cars. The defendants were informed. . .that. . .the other refugees residing on [the] street were Cambodians, not Vietnamese. The defendants replied that "it's the same thing."[81]

The action for injunctive relief sought to restrain the defendants from directly or indirectly "preventing any resident of Revere of Cambodian or Vietnamese origin or Asian race. . .from peaceably residing in Revere. . . ."[82]

Another action for injunctive relief sought to enjoin two defendants from harassing and intimidating Cambodian residents who reside in a housing complex in Revere.[83] In June 1985, the defendants, white males who reside in Revere, gathered with several other white males in the driveway of the housing complex. According to the complaint:

> The defendants and some of the other members of this group carried club-like lengths of wood. . . .Members of this group threw numerous bricks and large rocks at [the housing complex]. . . . [One defendant] walked up onto the front porch. When. . .a teenage Cambodian resident opened the front door and asked [the defendant] why he

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[69] Complaint at 5, Commonwealth v. Manusco, No. 76437 (Super. Ct. Mass. 1985).

[70] *Id.* at 5.

[71] *Id.* at 1.

[72] *Manusco* (Findings and Order for Preliminary Injunction). The order restrains the defendants from injuring persons or the personal property of any person because of race, color, or national origin; threatening the victims or any other person because of their race, color, or national origin; and preventing the victims or any other person from enjoying full access to their property, public accommodations, or places of employment because of their race, religion, or national origin.

[73] Complaint, Commonwealth v. R.G., No. 71263 (Super. Ct. Mass. 1984).

[74] *Id.* at 2.

[75] *Id.* at 3-4.

[76] *Id.* at 5-6.

[77] Gail Suyemoto, legal assistant, Civil Rights Division, Massachusetts Department of the Attorney General, Boston, Mass., telephone interview, Aug. 21, 1985 (hereafter cited as Suyemoto August Telephone Interview).

[78] Complaint, Commonwealth v. Coderre, No. 63506 (Super. Ct. Mass. 1983).

[79] *Id.* at 3.

[80] *Id.*

[81] *Id.* at 3.

[82] *Id.* at 5.

[83] Complaint, Commonwealth v. Stevens, No. 76843 (Super. Ct. Mass. 1985).

> was breaking the windows there [the defendant] punched him in the face with a closed fist.[84]

The complaint also states that the Cambodian residents of this housing complex "have had the windows of their homes and cars smashed repeatedly" and are "regularly" subjected to racial epithets and obscenities as they walk or drive in the neighborhood.[85] Because of these actions, the Cambodian residents "fear deeply" that the defendants will harm them or their property, or the persons or property of Asian visitors to their homes.[86] In the action for injunctive relief, the attorney general's office requested a temporary restraining order prohibiting the defendants from injuring or damaging the victims or their property, as well as assaulting, intimidating, or harassing the Cambodian residents. The action for injunctive relief also sought a temporary restraining order prohibiting the defendants from entering the premises of the victims or knowingly approaching within 100 yards of the victims at any place within Revere.[87]

In response to the racial unrest between long-time residents and Southeast Asian refugees in Massachusetts, State and local officials have initiated efforts to protect the civil rights of the refugees and to work within communities to bring the different groups together. The Massachusetts Attorney General's office has filed injunctions and prepared a pamphlet that explains the Massachusetts Civil Rights Act in the Cambodian, Laotian, and Vietnamese languages.[88] In Boston, the Community Disorders Unit of the Boston Police Department has worked closely with the Asian community, and one police official thinks that the communication has improved the degree to which incidents that involve refugees are reported.[89] In Revere, local officials have established a human rights commission in response to the incidents perpetrated against refugees in the community.[90]

Philadelphia, Pennsylvania

The resettlement of the Hmong in west Philadelphia, a predominantly black, low- to moderate-income area, began in 1976. At that time, west Philadelphia was a "magnet" for the resettlement of the Hmong people because of the affordable and available housing.[91] According to one respondent, several thousand Hmong lived in west Philadelphia between 1978 and 1979. He added that by 1981 most had moved away, chiefly to parts of Minnesota and Wisconsin.[92] By January 1985, the number of Hmong residing in the city was less than 700.[93]

During the resettlement period for the Hmong, there were reports of adjustment problems as well as actions taken against them by long-time residents of the city, particularly in west Philadelphia. Reported incidents against Hmong residents include physical and verbal harassment, intimidation, physical assaults, vandalism, brick and rock throwing, racial taunting, and threats.[94]

At the Philadelphia Commission on Human Relations hearing in October and November 1984,[95] which was held to gather information on the problems of the Hmong and other persons of Asian ancestry in the city, one witness described some of the activities against refugees who have resettled in parts of the city. He testified:

> It is not uncommon for complete strangers to come up to a refugee and say, "Are you Chinese?" We all are identified as Chinese. . . .It is not uncommon for a refugee to be accosted with a statement like, Chinese go home. . . .In addition to the beating of [a] Hmong visitor from Canada in West Philadelphia,. . .there were many instances of

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[84] *Id.* at 2-3.

[85] *Id.* at 3.

[86] *Id.* at 4.

[87] *Id.* at 6-7. After further investigation, the attorney general's office dropped the defendant Wallace from the case and added six new defendants, including one adult and five juveniles. On Sept. 20, 1985, the office filed a First Amended Complaint that included the new defendants and Stevens, and also an additional charge against the defendants. A temporary restraining order was requested. On Sept. 26, 1985, the office requested a preliminary injunction against all of the defendants except Stevens, who is currently incarcerated. Gail Suyemoto, legal assistant, Civil Rights Division, Massachusetts Department of the Attorney General, Boston, Mass., telephone interview, Oct. 17, 1985; and *Stevens.*

[88] Tanaka Interview.

[89] Lt. Francis Roache, former commander, Community Disorders Unit, Boston Police Department, interview, Dec. 5, 1984.

[90] Suyemoto August Telephone Interview.

[91] Cynthia M. Coleman, director, Immigration and Refugee Services, Lutheran Children and Family Services, Philadelphia, Pa., telephone interview, Jan. 16, 1985 (hereafter cited as Coleman Telephone Interview).

[92] Bee Xiong, community leader and director, Hmong Job Project, interview in Philadelphia, Pa., Jan. 22, 1985 (hereafter cited as Xiong Interview).

[93] Ibid.

[94] Ibid; Coleman Telephone Interview; and Philadelphia Commission on Human Relations, "Asian/American Tension Incident Reports, January 1982-September 1985," provided by Philadelphia (Pa.) Police Department, October 1985.

[95] See, Philadelphia Commission on Human Relations, *Asians and Their Neighbors: A Public Investigatory Hearing* (Oct. 27, 29, Nov. 1 and 5, 1984) (hereafter cited as *Asians and Their Neighbors).*

> debris being thrown through the windows of apartments and houses occupied by refugees. This is a common occurrence. . . .Also, there is occasional breaking and entering of homes and automobiles.[96]

Although the problems with residents encountered by the Hmong within their new environment helped contribute to their exodus from Philadelphia, some officials believe that there were other reasons for the Hmongs' departure from the city. According to a resettlement official in Philadelphia:

> It was about 1980 that the Hmong began to leave Philadelphia. The exodus was not originally because of community tensions. The exodus of the Hmong from Philadelphia occurred long before incidents were reported which was about 1984 with the beating of a Hmong male. They left Philadelphia for different reasons. Therefore it would be difficult to determine how many Hmong left because of incidents.[97]

She continued, "Some of the Hmong leaders wanted to leave and go elsewhere. They feared welfare. There were no jobs for them here. They wanted to go where they could find jobs."[98] The resettlement official further explained:

> The Hmong refugees lived in the rural mountains of Laos. For the most part, they have been resettled in large urban, low income centers throughout the United States. It didn't make sense to resettle them in these areas. Most had never even seen public transportation. There were bound to be problems for them. There were distinct cultural differences. Adjustment to this country for them has been slow. In the beginning [of the resettlement period], there was not much orientation [by the resettlement agencies] for the refugees or the [host] community. When we were resettling 300 refugees a month, there was not much time for orientation. There was only enough time to show them how to turn on a stove.[99]

The migration from Philadelphia, and west Philadelphia in particular, was also explained by a Hmong community leader who has lived in Philadelphia since 1975:

> Most of the Hmong had never put pen to paper. Most left Philadelphia because of economic problems, language barriers, high car insurance rates, the poor welfare system, and fear of living in Philadelphia in general.[100]

Resettlement officials said that although some of the incidents against the Hmong have been racially motivated, most of the tension between the residents and refugees has not been because of racial prejudice.[101] According to one resettlement official, "I have heard racial remarks about the refugees. But there are other reasons for the tension between the two groups. There are distinct cultural differences, and misinformation also exists which creates the tension."[102] Another resettlement official reiterated that not all of the problems between the Hmong and residents have been racial. According to him:

> Most of the incidents in Philadelphia against the refugees were not because of their race. There is economic polarization in some of the areas where resettlement has taken place. There is also cultural polarization. There is a lack of understanding between groups.[103]

The response of city officials to the incidents and problems of the Hmong has been assessed by several community leaders as being "slow."[104] One community leader criticizes, in particular, the response of the Philadelphia Police Department to the reported incidents:

> We have difficulty in getting help from the Philadelphia Police Department on problems such as these. Some of our people cannot speak English to report a crime. In those cases where the refugee can get through to the police, they will arrive many minutes and even hours after the crime was committed. Obviously the assailants are gone.[105]

Although tensions between long-time residents and Hmong were not attributed to racial differences entirely, some media reports indicated that problems had racial overtones.[106] In 1984, in response to these media reports on west Philadelphia, the U.S. Attorney for the Eastern District of Pennsylvania requested the Community Relations Service of the Department of Justice to assist in preventing further attacks on Hmong residents in west Philadelphia and directed the Federal Bureau of Investigation to determine whether Federal criminal civil rights laws had been violated.[107]

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[96] Ta Nguyen, president, Southeast Asian Mutual Assistance Associations Coalition, Inc., testimony, Philadelphia Commission on Human Relations, Oct. 29, 1984, p. 6 (hereafter cited as Nguyen Testimony).

[97] Coleman Telephone Interview.

[98] Ibid.

[99] Ibid.

[100] Xiong Interview.

[101] Coleman Telephone Interview; William J. Neary, Jr., director, Office of Refugee Resettlement, Region III, U.S. Department of Health and Human Services, interview in Washington, D.C., Jan. 18, 1985 (hereafter cited as Neary Interview); and Michael D. Blum, executive director, Nationalities Service Center of Philadelphia, interview in Philadelphia, Pa., Jan. 24, 1985.

[102] Coleman Telephone Interview.

[103] Neary Interview.

[104] Hang Chai, president, Hmong United Association, interview in Philadelphia, Pa., Jan. 22, 1985 (hereafter cited as Chai Interview); Xiong Interview; Nguyen Testimony; and *Asians and Their Neighbors*, p. 35.

[105] Nguyen Testimony, pp. 6–7. Also see, *Asians and Their Neighbors*, p. 35.

[106] See, for examples, Marc Kaufman, "Hmong Talk of Exodus from Philadelphia: Hmong in W. Phila. Talk of Leaving City Because of Attacks," *The Philadelphia Inquirer*, Sept. 7, 1984, pp. 1-A and 2-A; William Robbins, "Violence Forces Hmong to

However, some people interviewed by Commission staff thought that the investigation was futile, since large numbers of Southeast Asians have moved from west Philadelphia.[108] As of February 1985, the U.S. attorney's office had uncovered no evidence of Federal civil rights violations.[109]

In 1984 the Leadership Committee of the Philadelphia Urban Coalition sponsored two public conferences on refugee resettlement.[110] The purpose of the conferences was to promote "meaningful dialogue and develop constructive relationships" among people of different cultural backgrounds and to disseminate accurate information about refugees and resettlement in the Philadelphia area.[111] In 1984 the Philadelphia Commission on Human Relations sponsored 4 days of hearings on community tensions involving persons of Asian descent, the causes, and possible solutions.

Additionally, a staff member of the Community Relations Service has served in a conciliation role for the Hmong refugees and black residents, coordinating efforts with the city government, the U.S. attorney's office, and other community organizations to end racial tensions between the two groups.[112] The official believes that the city and community have become more responsive to the problems and needs of the Southeast Asian refugees. He explained:

> In 1985 I feel that there is more networking, more involvement among the city government, community organizations, and Federal agencies, especially concerning resettlement. There have been conferences, hearings, a task force, and a Federal preliminary investigation to examine the problems.[113]

Two Hmong community leaders in Philadelphia agreed that the recent public response to incidents has been positive and hoped that, consequently, the tensions and problems between refugees and residents in the communities would be alleviated.[114]

Vietnamese Fishermen in Florida, Texas, and California

Newly arrived Vietnamese fishers have encountered numerous obstacles in trying to earn their livelihood in different sections of the United States. Racial differences and lack of awareness about American fishing laws and customs have caused friction between Vietnamese and American-born fishermen that, in some instances, has resulted in violence.

Of the more than 120,000 refugees who fled Vietnam in 1975, a large number of experienced fishermen and their families were promptly resettled in coastal areas to work as fishers or seafood packers.[115] They became visible and prominent in such States as Florida, Texas, and California.[116] However, their resettlement has not been without problems. Racially motivated violence, harassment, intimidation, and vandalism against them have been reported in parts of these three States.

Florida

Vietnamese fishermen and their families began arriving in west Florida, particularly in the bays of Panama City and Pensacola, in 1975.[117] In the beginning, the Vietnamese fishermen established

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Leave Philadelphia," *The New York Times*, Sept. 17, 1984, p. A-16; Karen DeWitt, "Asians in Phila. Target of Attacks," *USA Today*, Oct. 26, 1984, p. D-3; and Marc Kaufman, "Why the Hmong Spurn America," *The Philadelphia Inquirer*, Dec. 31, 1984, pp. 1-A and 4-A.

[107] Edward S.G. Dennis, Jr., U.S. attorney, Eastern District of Pennsylvania, U.S. Department of Justice, interview in Philadelphia, Pa., Jan 24, 1985; and Edward S.G. Dennis, Jr., press release, Sept. 7, 1984.

[108] Coleman Telephone Interview and Xiong Interview.

[109] Robert G. Welsh, Jr., assistant U.S. attorney, Eastern District of Pennsylvania, U.S. Department of Justice, interview in Philadelphia, Pa., Jan. 24, 1985. Any local civil rights violations would have to be investigated by local and police officials.

[110] Gerald D. Wright, task force coordinator, Philadelphia Urban Coalition, interview, Jan. 23, 1985 (hereafter cited as Wright Interview); and Gerald D. Wright, letter to Wanda Johnson, civil rights analyst, U.S. Commission on Civil Rights, Jan. 7, 1985. The Philadelphia Urban Coalition works to resolve problems of poverty, discrimination, and civil unrest.

[111] Wright Interview.

[112] Frank Tyler, Jr., conciliation specialist, Mid-Atlantic Region, Community Relations Service, U.S. Department of Justice, interview in Philadelphia, Pa., Jan. 23, 1985.

[113] Ibid.

[114] Xiong Interview and Chai Interview.

[115] Paul D. Starr, "Troubled Waters: Vietnamese Fisherfolk on America's Gulf Coast," *International Migration Review*, vol. XV, nos. 1-2 (Spring-Summer 1981), pp. 226-27.

[116] Ibid., p. 227.

[117] Ibid., pp. 228-29.

amicable relationships with the local white fishermen.[118] However, as the Vietnamese fishermen became more visible and competitive in the fishing industry, tensions arose. The problems increased as the Vietnamese, commonly lacking English-speaking skills, had diffficulty communicating with American fishermen and understanding fishing and boating regulations.[119]

There were three types of local reaction towards the Vietnamese fishermen in the Florida coastal region. First, resettlement agencies began to work with the U.S. Coast Guard and other agencies to develop programs to instruct the refugee fishermen on fishing laws, regulations, and customs.[120]

The second response included "harassment and mischievous methods to harm, threaten or hamper Vietnamese fishing endeavors."[121] Although incidents of violence and harassment against Vietnamese fishermen have declined in the area since 1981, economic competition in the fishing industry has helped to keep tensions high.

The third response to the Vietnamese fishermen involved attempts to restrict Vietnamese fishing through State government action. Beginning in 1978, laws or regulations were created to restrict the participation of Vietnamese fishermen in the industry, as well as prevent them from "becoming established in the community":[122]

> During March and April of 1978, complaints about the length of the nets they [the Vietnamese fishermen] used and their coordinated use of them. . .eventually led to the passage of a State law prohibiting the use of all nets of more than 2,000 feet, the length favored by American gill netters. Although conservation experts contradicted the arguments of the bill's proponents, and others called it [the bill] "racially motivated,". . .it later became law because of the overwhelming support it received in the legislature.[123]

The Vietnamese fishermen responded by using shorter nets, and by 1980 they had more than 20 boats that met the legal requirements for shrimping.[124]

Texas

Violence, harassment, and intimidation against Vietnamese fishermen have been reported along the Galveston Bay and Gulf Coast of Texas. The Vietnamese shrimpers were resettled in the region beginning in 1979, and by 1980 they had become viable competitors in the fishing industry.

Since their arrival in the villages along the coast, these refugees have experienced open hostility from the local white and Hispanic fishermen.[125] They have had their fishing boats sunk, fishing nets cut, and have been physically assaulted, harassed, and threatened in their efforts to earn a living.[126]

According to the director of the Community Relations Service, Vietnamese boats were destroyed, and there were reports of threats against the refugees who were "breaking the rules of the trade."[127] He added:

> There was displeasure on the part of the other fishermen concerning the overindulgence of the refugees. [The American fishermen] did not feel that the refugees were competing in the American way. The refugees worked on Sundays, stayed longer hours on the bay, and sometimes caught shrimp outside certain demarcated areas of the bay. [The Americans] felt that this was unfair to them, and the competition turned to open conflict.[128]

In 1979 the conflict between Vietnamese and local fishermen in Seadrift, Texas, culminated in the shooting death of an Anglo crab fisherman.[129] Two refugee fishermen were arrested for the shooting, which followed an argument over the placement of crab traps.[130] According to one report:

> Within hours of the man's death, three Vietnamese boats were burned, one of their dwellings was firebombed, and a later attempt was made to bomb the crab packing house

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[118] Ibid., p. 229.

[119] Ibid, p. 230.

[120] Ibid., p. 234.

[121] Ibid.

[122] Ibid., p. 236.

[123] Ibid.

[124] Ibid.

[125] Gilbert Pompa, director, Community Relations Service, U.S. Department of Justice, interview in Chevy Chase, Md., Feb. 13, 1985 (hereafter cited as Pompa Interview); Barbara Huie, senior program analyst, Community Relations Service, U.S. Department of Justice, interview in Chevy Chase, Md., Feb. 13, 1985 (hereafter cited as Huie Interview); Efrain Martinez, director, Houston Area office, Community Relations Service, U.S. Department of Justice, interview, Jan. 16, 1985 (hereafter cited as Martinez Interview), and Robert W. Kerber, chief of police, Seabrook Police Department, interview in Seabrook, Tex., Jan. 17, 1985 (hereafter cited as Kerber Interview).

[126] Ibid.

[127] Pompa Interview.

[128] Ibid.

[129] Michael Kronman, "Fish or Foul? Refugee Fishermen in California," *Refugees*, no. 12 (December 1984), p. 32.

[130] Ibid.

which employed them [the Vietnamese], causing about two-thirds of the refugees to flee to another town.[131]

The Vietnamese crabbers were eventually acquitted of the shooting.[132] In response to the verdict, some white fishermen "turned to the Ku Klux Klan for protection of their industrial interest."[133]

The Ku Klux Klan also became involved in a similar situation in Seabrook, Texas, on Galveston Bay near Houston. In April 1981, a Vietnamese fishermen's organization and individual Vietnamese fishermen in Seabrook filed a lawsuit against members of the Klan in which the plaintiffs sought a preliminary injunction enjoining the defendants from continuing to violate their civil rights.[134] The motion for a preliminary injunction was granted; it enjoined the defendants and "all others acting in concert" with them from unlawful acts of violence, intimidation, the burning of crosses, the gathering of two or more robed members within the personal view of the plaintiffs, the burning of boats, assault and battery or threats, and harassment of any of the plaintiffs.[135] A permanent injunction was issued in June 1982.[136]

Agencies such as the Community Relations Service have been trying to promote better racial understanding and cooperation in Seabrook. Their activities include organizing community councils, developing mechanisms for increasing intercultural awareness, arranging for the translation of local fishing codes into Vietnamese dialects, and encouraging local officials to become more involved in the situation.[137]

Problems also have been reported between Vietnamese and Hispanic fishermen in Palacios, Texas. According to the director of the Community Relations Service, "The conflict between the majority Hispanic community and the fishermen is the same as in other areas. There has been harassment and intimidation of the Vietnamese."[138] The reasons given are economic competition and local fishermen's accusations of code violations by the Vietnamese fishermen. However, according to a staff member of the Community Relations Service, "The incidents are uglier than mere [economic] competition. There is indeed a racial overlay."[139]

The Houston office of the Community Relations Service has been active in working with the residents and refugees in Palacios. The office sponsored seminars to disseminate information to the refugees concerning fire and housing codes. The area director said, "There is still resentment of the refugees, but there is greater tolerance of them now."[140]

California

Another area where Vietnamese fishermen have had problems with local fishermen is Moss Landing in Monterey Bay, California. Tension between the Vietnamese fishermen and white fishermen there culminated in physical harassment and racial threats.

There have been reports of vandalism, arson, and theft of the Vietnamese fishing boats since 1980.[141] Harassment of Vietnamese fishermen continued in 1983 as an article reported that non-Vietnamese fishermen at Moss Landing Harbor stopped Vietnamese fishermen to "inspect their catch for undersized or out-of-season fish" and buyers refused to purchase fish caught by the Vietnamese.[142] The Vietnamese fishermen also were denied access to the docks, which were controlled by the buyers, for boat repairs and landing. Because they could not sell their fish to the buyers in Moss Landing, and the buyers controlled the only commercial off-loading facilities in the harbor, the Vietnamese fishermen were "forced to unload their fish from the boat docks into pick-up trucks, and drive their catch 20 miles south to Monterey" to sell them.[143]

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[131] Starr, "Troubled Waters," pp. 235–36.

[132] Kronman, "Fish or Foul," p. 32.

[133] Ivan Light, "Immigrant Entrepreneurs in America: Koreans in Los Angeles," in *Clamor at the Gates: The New American Immigration*, ed. Nathan Glazer (San Francisco, Calif.: Institute for Contemporary Studies, 1985), p. 170.

[134] Vietnamese Fishermen's Association v. Knights of the Ku Klux Klan, No. H–81–895 (S.D. Tex. 1982) (Order at 1).

[135] *Id.* at 1–2.

[136] In June 1982, the U.S. district court issued a final restraining order that "permanently" enjoined the defendants from engaging in all of the unlawful acts mentioned in the preliminary injunction, and permanently enjoined members of the Knights of the Ku Klux Klan in Texas from continuing or carrying on military or paramilitary training or associating themselves with paramilitary organizations. *Vietnamese Fishermen's Association* (Final Judgment).

[137] Martinez Interview.

[138] Pompa Interview.

[139] Huie Interview.

[140] Martinez Interview.

[141] Wayne Luk, director, Center for Southeast Asian Refugee Resettlement, interview in San Francisco, Calif., October 29, 1984; Michael Huynh, director, Refugee Resource Center, interview in San Francisco, Calif., Nov. 2, 1984; and Edward Iwata, "Ugly Trade Over Foreign Fishing Ways," *San Francisco Chronicle*, Sept. 10, 1983, p. 28.

[142] Michael K. Orbach, "The 'Success in Failure' of the Vietnamese Fishermen in Monterey Bay," *Coastal Zone Management Journal*, vol. 10, no. 4 (1983), p. 340.

[143] Ibid., pp. 340–42. A harbor policy prohibited loading commercial fish at other than the designated off-loading area. In

The problems of the Vietnamese fishermen in this country have been due to many factors. Misconceptions, cultural and language barriers, and competition in the fishing industry are major causes of the friction between Vietnamese and non-Vietnamese fishermen. However, Klan activity in Texas supports the premise that, in some instances, the Vietnamese fishermen have been targets because of their race.[144]

Korean Businesses

As a result of the passage of the Immigration and Naturalization Act of 1965, which abolished quotas based on racial and national origin, more Koreans began immigrating to the United States. By 1980 there were over 300,000 persons of Korean descent in this country. Many of these Korean immigrants own and operate various types of small businesses which have become prevalent in many inner-city neighborhoods.

For the most part, Korean enterprises are heavily concentrated in retail trade and selected services such as food and gift stores, book stores, restaurants and bars, and beauty salons.[145] Generally, Korean enterprises are labeled "mom and pop" stores, small family businesses with very few nonfamily employees:

> Two-thirds of Korean small businesses in the Los Angeles area hire 5 persons or less. As a whole, nine-tenths of the small businesses have no more than 10 employees. Korean businesses may be generally classified as "family small businesses."[146]

Korean small businesses tend to locate in low-income, nonwhite neighborhoods.[147] According to one researcher: "Korean businesses are usually concentrated in the 'protected' markets of their own ethnic community or in the markets of other minority groups such as Blacks and Mexicans."[148] Another researcher reiterates that "Korean small businesses tend to locate in black ghettos, Spanish speaking barrios, and racially mixed. . .downtown sections of large metropolitan areas."[149]

Koreans have established small businesses in these low-income areas "by taking over such businesses. . .from retiring white merchants" who have moved to the suburbs.[150] These already-established businesses are easy to operate, have low rents, and are free from competition with large corporations:

> The corner grocery store between two shopping centers, satisfying the demand for the occasional few items needed between weekly shoppings or at odd hours, is a case in point. Similarly, the ghetto and barrio, with high crime rates and credit problems, may be deserted by the corporations for more profitable locations.[151]

Although these businesses provide goods and services to low-income areas, Korean merchants have experienced conflict with the residents "as a result of their rapid influx and concentration in mercantile roles."[152] A study of Korean businesses in minority neighborhoods reported:

> As culturally and racially distinguished outsiders, when Korean immigrants commercially invade black or other minority neighborhoods, they play the role of middle-man minority. . . .In this role, Korean immigrants can be an easy and vulnerable target of the hostility of local residents.[153]

Another study states:

> It is possible that Korean businesses which do not cater to other Koreans tend to have a disproportionately large low-income minority clientele. Having a black, Latin and Chicano (and perhaps poor white) clientele suggests that Koreans may be playing a "middleman minority" role, acting as a commercial and service class to the poorer strata of society and bearing the brunt of their hostility.[154]

Moss Landing, the only areas so designated were the buyers' docks. Eventually, non-Vietnamese and Vietnamese fishermen petitioned for a public off-loading facility.

[144] Kerber Interview; Huie Interview; and Carroll Morris, director, International Rescue Committee, interview in Houston, Tex., Jan. 15, 1985.

[145] See, Kwang Chung Kim and Won Moo Hurh, "Korean Americans and the 'Success' Image: A Critique," *Amerasia*, vol. 10, no. 2 (1983), p. 13; and Illsoo Kim, *New Urban Immigrants: The Korean Community in New York* (Princeton, N.J.: Princeton University Press, 1981), p. 105 (hereafter cited as *The Korean Community in New York).*

[146] Light, "Immigrant Entrepreneurs in America," p. 163.

[147] Ibid.

[148] Kim and Hurh, "Korean Americans and the Success Image," p. 13.

[149] Eui-Young Yu, "Korean Communities in America: Past, Present and Future," *Amerasia*, vol. 10, no. 2 (1983), p. 36.

[150] Kim, *The Korean Community in New York*, p. 101.

[151] Edna Bonacich, Ivan Light, and Charles Choy Wong, "Small Business Among Koreans in Los Angeles," in *Counterpoint: Perspectives on Asian America*, ed. Emma Gee (Los Angeles: Asian American Studies Center, University of California, 1976), p. 447.

[152] Light, "Immigrant Entrepreneurs in America," pp. 163–64.

[153] Kwang Chung Kim and Won Moo Hurh, "The Formation and Maintenance of Korean Small Business in the Chicago Minority Area" (unpublished) (Macomb, Ill.: Western Illinois University, 1984), p. 59.

[154] Bonacich et al., "Small Business Among Koreans," p. 442.

Tensions between Korean entrepreneurs and residents have been reported in New York City, Los Angeles, and Washington, D.C.[155]

New York City

Since 1973 most Korean retail shops have catered to blacks and other minorities in areas where Jewish and Italian shopkeepers formerly owned businesses. For example, about 30 small Korean businesses such as food, furniture, and hardware stores have emerged where other religious or ethnic entrepreneurs owned businesses.[156] The residents here generally are poor Spanish-speaking or black persons who can collectively purchase enough of the moderately priced goods to keep these small businesses solvent.[157]

Most of the tensions reported in New York City have been between blacks and Koreans in Harlem where Korean merchants began opening their stores about 1980.[158] The problems escalated in 1984 with the alleged beating of a black shoplifter by some Koreans.[159] This incident sparked a move by the Concerned People of Harlem Committee to picket several Korean-owned establishments.[160] According to one respondent, the picketing was not a "racial thing" between blacks and Koreans, but a protest against the "disrespect" that blacks felt they were getting from Korean merchants and the economic drain experienced by the black community, blamed in part on Korean merchants.[161] According to the president of the Korean Merchants Association, blacks have complained that Korean merchants have been impolite, do not hire blacks as employees, and use "excessive force" against them within the stores.[162] Another Korean community leader who spoke of instances of vandalism against Korean businesses believes that the language barrier between blacks and Koreans is the root of the problem.[163]

One of the directors of the Uptown Chamber of Commerce, which has Korean and black business owners as members, discussed the problems:

> We have had difficulties but they have not been serious. I think the whole matter was overblown, particularly by the media. There is dialogue between the two groups and we are getting accurate information out about the situation.[164]

He indicated that blacks and Koreans are now working together in a positive way.

Los Angeles

The city with the largest population of Koreans is Los Angeles. Since their arrival, they have established businesses in communities where most of the residents are either Koreans or blacks. Since 1980 Koreans have bought businesses, including gas stations, small markets, and convenience stores in the predominantly black community located in south central Los Angeles.[165]

Beginning in August 1983, the *Los Angeles Sentinel,* a black-owned newspaper, published a series of articles, editorials, and letters to the editor on the number of Asian-owned businesses in the black community and the effect of the businesses on the black residents.[166] The *Sentinel's* series alleged that blacks who wanted to buy or remodel the old businesses were unable to obtain loans or were offered loans at higher rates than the Koreans. The series also reported other complaints of blacks about the Korean businesses, including the lack of employment opportunities, the language barrier between

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[155] Light, "Immigrant Entrepreneurs in America," p. 164.

[156] Kim, *The Korean Community in New York,* pp. 110-11.

[157] Ibid.

[158] Won Duck Kim, president, Korean Merchant Association, interview in New York City, Dec. 5, 1984 (hereafter cited as Won Duck Kim Interview); and Capt. Joseph R. Leake, Bias Unit, New York City Police Department, interview, Dec. 5, 1984 (hereafter cited as Leake Interview).

[159] Ibid.

[160] The Concerned People of Harlem Committee is a community group comprised of black residents who want to promote black businesses in Harlem. Leake Interview.

[161] Fred Crawford, member, board of directors, Uptown Chamber of Commerce, New York City, telephone interview, Aug. 12, 1985 (hereafter cited as Crawford Telephone Interview).

[162] Won Duck Kim Interview.

[163] Dong Soo Ha, secretary general, Korean Association of New York, interview, Dec. 7, 1984.

[164] Crawford Telephone Interview.

[165] Tong Soo Chung, president, Korean American Coalition, interview in Los Angeles, Calif., Oct. 29, 1984 (hereafter cited as Tong Soo Chung Interview).

[166] The *Los Angeles Sentinel,* one of the major black-owned newspapers in the Los Angeles area, began the series on Asian-owned businesses in black neighborhoods on Aug. 11, 1983. The series ended in September, and letters to the editor were published until October of that year. Articles in the series included: by James H. Cleaver, "Asian Businesses in Black Community Cause Stir," Aug. 11, 1983, pp. A-1 and A-10; "Asian Attitudes Toward Blacks Cause Raised Eyebrows," Aug. 18, 1983, pp. A-1 and A-14; and "Residents Complain About Alleged Asian 'Problem,'" Aug. 25, 1983, pp. A-1 and A-13; Editorial, "Means to an End," Aug. 15, 1983, p. A-6; James H. Cleaver, "Citizens Air Gripes About Asians," Sept. 1, 1983, p. A-6; Lee Ivory, "Asians May Face Lawsuits," Sept. 8, 1983, pp. A-1 and A-14; James H. Cleaver, "Black Agenda Hosts Korean Dialogue," Sept. 15, 1984, p. A-1; "Readers Comment on Issues" (letters to the editor), Sept. 22, 29, 1983; James H. Cleaver, "Asian Series Brings Official Reprimand," Oct. 20, 1983, pp. A-1 and B-12; and "Readers Comment on Issues," Oct. 20, 1983.

Korean merchants and black customers, and the prices of goods and quality of service for blacks at the Korean businesses. The newspaper articles referred to the situation in the black community as the "Asian problem."[167]

In September 1983, the executive director of the County of Los Angeles Commission on Human Relations wrote to the executive editor of the newspaper about the racial overtones of some of the articles in the series:

> Over the past two months, the *Sentinel* has extensively covered problems between Asian merchants and the Black community. There is no doubt that these problems exist. But several of your articles were troublesome in two ways: First, there were generalizations that seemed to attack an entire group through reference to "the Asian crisis," "the Asian problem," and use of similar phrases. Second, "the Black community" was used to describe a geographical area in which it seemed to be suggested that non-Black businesses were unwanted, almost an encroachment on private property.'[168]

Members of the Korean community also responded to the *Los Angeles Sentinel's* series on Korean-owned businesses. In his testimony presented at the Los Angeles County Commission on Human Relations' hearing on anti-Asian bigotry, one community leader expressed dismay over the misunderstanding on the part of the black community, particularly the black media, of the Korean merchants, and stressed the need for "constructive dialogue" between the two groups.[169] Although members of the black and Korean communities acknowledge that tension is there, some serious incidents have not been reported. One researcher discussed some reasons why there have been no incidents reported against merchants in Los Angeles as in some other cities:

> Black efforts to boycott Korean merchants fizzled because black leaders opposed a boycott that they regarded as extreme, unwarranted, and impolitic. In addition, black consumers had no realistic alternative to shopping in Korean markets. Los Angeles Korean organizations arranged a "treaty" of cooperation with black civic organizations. Korean and black leaders toasted this treaty at a festive banquet. Although this treaty did not prevent tensions, it greatly reduced black interest in a boycott.[170]

A Korean community leader also said that after the articles in the *Los Angeles Sentinel*, blacks and Koreans made efforts to calm the situation and to initiate better relations between members of the two groups.[171]

Washington, D.C.

During the past 4 years, Korean immigrants have established enterprises throughout the black communities in the city. These small businesses include the "mom and pop" carryout and grocery stores, dry cleaners, and convenience stores. In one section of the city, "70 to 80 percent of the mom and pop stores are owned by Koreans."[172] Many of these establishments were bought from white merchants who left the city. Very few are new businesses or enterprises.[173]

The location of these businesses in black communities has not been without problems. Blacks have complained that the Korean merchants are discourteous, take money out of the community but do not contribute to the neighborhoods that they serve (most of the merchants live in the suburbs), and will not hire them.[174] Some of the Korean merchants think that they are being vandalized, robbed, and harassed because of the black community's resentment towards their businesses.[175]

The Metropolitan Police Department, particularly the community relations division, has been active in trying to help Korean merchants and black residents adjust to each other. According to the director of the division:

> Since early 1984, I have been meeting with the Korean businessmen to help explain American and District of Columbia [business] laws. I have also tried to work with them on understanding norms such as not hitting custom-

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[167] Ibid.

[168] Eugene S. Mornell, executive director, County of Los Angeles Commission on Human Relations, letter to James H. Cleaver, executive editor, *Los Angeles Sentinel*, Sept. 29, 1983.

[169] Tong Soo Chung, president, Korean American Coalition, testimony, Los Angeles County Commission on Human Relations, public hearing, "Rising Anti-Asian Bigotry: Manifestations, Sources and Solutions," Nov. 9, 1983.

[170] Light, "Immigrant Entrepreneurs in America," p. 164.

[171] Tong Soo Chung Interview.

[172] Insp. Richard Pennington, director, Community Relations Division, Metropolitan Police Department, interview in Washington, D.C., Aug. 15, 1985 (hereafter cited as Pennington Interview).

[173] Ibid. According to the police official, "There are over 1,000 Korean-owned businesses in the city. There may be more. Often, they will keep the same name of the company even after they have bought it." Pennington Interview.

[174] Ibid.; and Eugene S. Kay, president, Korean Association of Greater Washington, interview, Apr. 18, 1985 (hereafter cited as Kay Interview).

[175] Kay Interview; and Taehee Yoo, publisher, *The Korea Times*, interview in Washington, D.C., Aug. 30, 1985 (hereafter cited as Taehee Yoo Interview).

ers when they do not have the money or who may argue over a purchase.[176]

The police department also participated in a meeting between black and Korean community leaders "to see if there are any serious problems" between the two groups;[177] the meeting did not uncover racial problems.[178] According to the police official:

> Incidents of vandalism, robbery and even homicide against Korean businesses or Korean merchants have been investigated as crimes rather than racially motivated incidents. Mom and pop stores, for example, have been vulnerable to such offenses long before Koreans bought them. There is no evidence to show that the majority of these reported offenses are more than just crimes.[179]

Since December 1984, nine firebombings have been reported against Korean establishments located in a seven- or eight-block area within a black neighborhood.[180] All of the firebombings have occurred between 2 and 5 a.m.[181] The establishments firebombed include grocery stores, dry cleaners, and a Korean-owned newspaper. Except for one establishment, the damage has not been extensive, but involved only the fronts of the buildings.[182] Currently, no arrests have been made, there are no suspects, and there are no witnesses who can describe or identify possible offenders.[183] Although some Korean community leaders believe that the acts may have been racially motivated,[184] the police department does not have evidence to support those allegations. According to the director of the community relations division:

> We do not have any suspects or know of any motive for these acts. There have been no arrests, no witnesses, no notes, threats, prior warnings, signs or graffiti or telephone calls to indicate who the perpetrator is. We are treating these as arsons. We are not ruling any groups out, not even other Koreans. These firebombings have occurred in a black area. But there is no evidence that the offender is black.[185]

In response to the firebombings, a special task force that includes officials from the police, fire department, and the Federal Bureau of Alcohol, Tobacco and Firearms has been established to investigate the pattern found in the arsons. A police official explained: "These firebombings are being investigated separately from other crimes because of the pattern established. The establishment of the task force has nothing to do with any perceived problems between blacks and Koreans."[186]

In 1985 the Washington, D.C., Office of Human Rights reported that it also planned to establish a special task force to examine the firebombings as well as the relationship between the black and Asian American communities.[187] Unlike the law enforcement task force, the office of human rights is examining the situation from a "racial perspective."[188] Members of the Korean and black communities and representatives from the police department and civic organizations have been invited to participate in organizing the task force.[189]

Summary

Racially motivated incidents against persons of Asian ancestry have ranged from serious physical assaults to anti-Asian signs and bumper stickers. Although most of the offenders have not been caught, there is reason to think that many of the occurrences, particularly those involving refugees and immigrants of Asian descent, have been instigated by persons who live or work in the victims' neighborhoods.

Anti-Asian activities reported directly to the Commission and through other sources indicate that the issue of violence against Asian Americans is national in scope. Although many factors may have contributed to these acts, the chapter demonstrates that some of these acts are motivated, at least in part, by racial differences.

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[176] Pennington Interview.
[177] Ibid.
[178] Ibid.
[179] Ibid.
[180] Ibid.
[181] Ibid.
[182] Ibid.
[183] Ibid.
[184] Kay Interview and Taehee Yoo Interview. According to Mr. Yoo, "I think these bombings are all tied together. It is evident someone doesn't like Koreans."
[185] Pennington Interview.
[186] Ibid.
[187] Maudine Cooper, director, Office of Human Rights, Washington, D.C., telephone interview, Aug. 13, 1985.
[188] Ibid. and Pennington Interview.
[189] Joseph Gatling, task force coordinator, Office of Human Rights, Washington, D.C., telephone interviews, Aug. 27, 1985, and Sept. 12, 1985.

Chapter 5

Conclusion

Anti-Asian activity began soon after the first immigrant from Asia arrived in the United States. It surfaced in the passage of legislation limiting the activity of Asians or totally excluding them from entering the United States. Such restrictions have been eliminated, and Asian Americans are protected by the panoply of civil rights laws. Nevertheless, some Anti-Asian activity continues, possibly fueled in part by the marked increase in Asian arrivals to the United States permitted by changes in immigration laws and by the granting of parolee or refugee status to thousands of Indochinese following the fall of Saigon.

No single factor has produced current anti-Asian behavior. Rather, it appears to be a combination of many factors of which race is one. Other possible factors include misinformation and misconceptions about Asian Americans, immigrants, and refugees, which, according to many persons interviewed by Commission staff, have been popularized in and reinforced by the media. One of the most prevalent misconceptions is that all Asians are the same, despite their different national origins, languages, cultures, and religions.[1] Another misconception is that, although persons of Asian ancestry have been residents or United States citizens for generations, some individuals view them as "foreigners."[2] In addition, some Americans blame Japan—and by extension Japanese Americans and all Americans of Asian ancestry—for trade deficits and unemployment in the United States. Some Americans also harbor anti-Japanese feelings deriving from the Second World War, feelings that may have been rekindled by attempts to give reparations to Japanese Americans who were placed in relocation camps during the war.

Whatever its cause, anti-Asian activity in the form of violence, vandalism, harassment, and intimidation continues to occur across the Nation. Incidents were reported in every jurisdiction visited by Commission staff and in other parts of the country as well. In the majority of cases reported to the Commission, the offenders have not been apprehended by the police.

In the absence of nationwide data, there is currently no way to determine accurately the level of activity against persons of Asian descent, or whether the number of incidents has increased, decreased, or stayed the same in recent years. Some States and localities are beginning to maintain statistics on reported racially motivated offenses, and some groups that monitor such behavior are attempting to gauge the level of activity, but these attempts are few in number and narrow in scope. Their limitations lead inescapably to the conclusion that there needs to be a mechanism to gather these statistics on a national basis.[3] One method of doing this would be through the Bureau of Justice Statistics of the Department of Justice. If statistics on anti-Asian activity were collected, a number of research questions could then be addressed:

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[1] Ron Wakabayashi, director of the Japanese Americans Citizens League, told the Commission that the media tend to consider all Asians the same and do not try to differentiate among groups. "This reinforces a similar perception on the part of the general public."

[2] Stewart Kwoh, director of the Asian American Legal Center in Los Angeles, said, "Historically, we have been considered immigrants, temporary visitors or foreigners."

[3] Of course, legislation should be all-inclusive, since the paucity of such information on activity against racial and religious groups

- To what extent are U.S. citizens and residents of Asian descent victims of racially motivated activity?
- Who are the perpetrators of these activities?
- Do the number of incidents increase, decrease, or stay the same over time?

Further research on related questions should also be done. For example:

- How effective are various techniques aimed at reducing tension among groups?
- What measures should be taken against those who engage in racially motivated activities?

In the absence of nationwide data, it is impossible to draw firm conclusions about the extent and nature of anti-Asian activity. The material presented in this report comes from a variety of sources. Definitions as to what constitutes a racially motivated incident differ among these sources. Nevertheless, the bits and pieces of evidence presented in this report do lend support to some tentative conclusions, which should be tested when further data are available:

- Reports to the Commission of anti-Asian slurs, slogans, and bumper stickers suggest that some anti-Asian sentiment exists in a variety of communities across the Nation.
- Racially motivated incidents against persons of Asian ancestry range from anti-Asian signs and bumper stickers to serious physical assaults.
- The establishment of shops by persons of Asian descent in low-income areas has sometimes been accompanied by racial tensions.
- Although most of the offenders have not been caught, it appears that many of the occurrences involving persons of Asian descent have been instigated by persons who live or work in the victims' neighborhoods.
- The evidence collected in this report suggests that one factor contributing to anti-Asian activity is economic competition between recent refugees and immigrants and other persons in the same community.

Regardless of the total number of incidents nationwide, however, the Commission believes that available evidence must be a cause for concern and that violence and other forms of anti-Asian activity must be addressed by officials at all levels of government and by citizens through their community organizations. Some communities have responded to anti-Asian behavior in an admirable manner. Law enforcement agencies have established procedures for reporting and investigating these offenses, and have made efforts to reduce tensions between persons of Asian descent and others in the community. Several human relations commissions have held hearings to explore factors contributing to anti-Asian behavior. In some jurisdictions, public officials have set up task forces aimed at bringing various segments of the community together.

These efforts may serve as models for other communities. Concerted effort by these groups and by all Americans can help alleviate and eliminate the outbreak of violence, vandalism, harassment, and intimidation against United States citizens and residents of Asian descent.

The United States is a multiracial, pluralistic society built on the principles of freedom, justice, and opportunity for all. We cannot allow these principles to be violated in the case of Asian Americans by anyone. Rather, we must ensure that persons of Asian descent are guaranteed the rights promised to residents and citizens of this Nation.

The Commission presents this report to demonstrate the need for greater attention to the issue of anti-Asian behavior and to urge public officials, community leaders, entrepreneurs—indeed, all Americans—to dedicate themselves to understanding the scope of this problem and to devising appropriate solutions.

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precludes addressing research questions on the extent of such activity for all groups. Previous Commission reports on the issue of racial or religious bigotry and violence include *Intimidation and Violence: Racial and Religious Bigotry in America* (1983), and five reports by State Advisory Committees: *Hate Groups and Acts of Bigotry: Connecticut's Response* (Connecticut State Advisory Committee, 1982); *Perceptions of Hate Groups Activity in Georgia* (Georgia State Advisory Committee, 1982); *Violence and Bigotry in West Virginia* (West Virginia State Advisory Committee, 1982); *Hate Groups in Michigan: A Sham or a Shame* (Michigan State Advisory Committee, 1982); and *Bigotry and Violence in New Jersey* (New Jersey State Advisory Committee, 1982).

Statement of Commissioner John H. Bunzel

For over a hundred years there has been racial conflict and discrimination directed towards various Asian groups in this country. The result has been a deeply rooted tradition of backward attitudes that has now been perpetuated and extended into a contemporary environment of increasing prejudice and violence against new immigrants from Southeast Asia. Today we see bumper stickers that say "Forget Pearl Harbor, Remember Detroit" or "I'd rather eat worms than ride a Jap bike," reflecting the resurgence of an ugly anti-Asian sentiment in the United States.

The record is well documented in the most recent report of the U.S. Commission on Civil Rights. Furthermore, as the report also shows, the available evidence leaves no doubt that many forms of anti-Asian activity "must be addressed by officials at all levels of government and by citizens through their community organizations."

I wish to offer several recommendations in the hope that they may help to reduce and ultimately eliminate discrimination and violence against persons of Asian ancestry:

1) I urge the formation of a Commission on Specially Emerging Populations in States such as California where there are large numbers of persons of Asian ancestry. (Some States, e.g., Washington, Illinois, and Minnesota, already have such a commission.) This statewide commission would provide oversight of the arrival, growth, and interaction of these populations as they seek to accommodate themselves to American society.

2) In addition, I would like to see more funding for newcomer transitional training services in ethnic community service centers. Three of every five Asian Americans are foreign born. Within this population there is a disproportionate number of new immigrants among those listed as victims of racially motivated crimes, compared to American-born Asians. This newcomer community is especially subject to myths, stereotypes, and misperceptions. In many cases it does not have a preexisting community that buffers transition in the early arrival period.

3) I strongly favor the establishment of a system of collecting data on acts of racial, ethnic, or religious violence on both the State and the national level. Most police departments do not keep such records.

To aid in this effort, I support and urge passage of Congressman John Conyer's Hate Crime Statistics Act (H.R. 2455) that passed the House on July 22, 1985, and is now awaiting action by the Senate. One of our most serious problems is that there is no reliable data—no statistical base—on perpetrators of racially motivated crimes that range from homicide, assault, and robbery to vandalism and physical threats. I agree that the Department of Justice should acquire data on crimes "which manifest racial, ethnic or religious prejudice" and that "the Attorney General shall publish annually a summary of such data."

4) The media—television in particular—should take immediate and positive steps to improve the perception of Asian Americans so that old stereo-

types will not be reinforced. Responsible officials should work closely with Asian American consultants in seeking more balance and accuracy and a greater sensitivity to issues affecting these Americans.

It is no secret that the media create perceptions of people. What we often find is a constant reiteration of certain caricaturizations, and frequently they are negative. Furthermore, an absence of images is also a big factor in creating perceptions. The data indicate that there are not many characters on prime time television who are of Asian ancestry.

Statement of Commissioner Robert A. Destro

With the issuance of this report on *Recent Activity Against Citizens and Residents of Asian Descent*, the Commission highlights several serious and complex problems, including violence, facing Americans of Asian descent. We do well to deplore the violence, and to recognize that prejudice plays an important role in the process. But we should also urge—and commit ourselves to pursue—further study of the problems of interracial, interethnic, and intercultural prejudice discussed in this report.

There can be little doubt about the need for both government and the private sector to find creative and lasting solutions to these problems. Before we can succeed, however, we must have a better understanding of the nature and sources of the mistrust and friction. This report is a good starting point. I commend the staff of the Commission for its interesting and informative work, and recommend its widest possible distribution.

Although the most sensational and disturbing incidents reported here are those which are most overtly racial in their motivation, I believe that it would be a serious error for either the Commission or anyone else who reads this report to see the problem solely in racial terms. To do so would be to miss important factors governing the relationships which exist in communities where class, ethnic, racial, and cultural differences become sources of mistrust or friction. The California Governor's Task Force on Civil Rights Report correctly points out that "[r]acial and ethnic conflict is rarely attributable to some single factor, but is usually the result of a complex mixture of historical, cultural, psychological and situational forces." An understanding of the relationship of these forces is essential, and the Commission is uniquely suited to explore it and to suggest ways in which the Federal Government should respond. I urge the Commission to commit itself to future studies on these topics. The issues raised here cut across the spectrum of most of the civil rights issues with which we deal. We need to continue to explore the relationship of factors other than race to discrimination and violence. Race is by far the most overt factor, but it will not always be critical.

Thus, while race plays an important role in shaping the attitudes which motivate violence and prejudice, we should also be cognizant of the ever-present spectre of nativism and cultural intolerance which pervades the incidents reported here. Nativism and ethnic prejudice is a critical, but often unstudied, nonracial source of violence and bigotry which has a long and sordid history in the American experience. American immigration history is replete with overt racial and ethnic preferences which were designed to assure the ethnic and cultural homogeneity of the Nation. Immigrants have always been an easy target for prejudice, both at the border and once settled. Those with racial differences have faced the most overt difficulties because they can be identified so readily. But nativism and cultural intolerance is not synonymous with racial preference; for it can and does manifest itself in discrimination on the basis of national origin and religion. Often it simply masquerades as a concern for the integrity of the "American way" of doing things.

Several of the respondents in the interviews noted in this report found it difficult to convince people that they were really Americans. Debates over current immigration policy often have an implicit cultural and nativistic edge to them which is difficult to pinpoint, but nevertheless very real in its destructive potential. Nativism and cultural intolerance is a very real and very current problem in American civil rights policy, and it is one that the Commission would do well to continue to monitor.

Washington, D.C.
Friday, May 9, 1986

Appendix A

Testimony of Congressman Robert T. Matsui

Submitted to the U.S. Commission on Civil Rights, October 31, 1984, for an Investigation of Violence and Bigotry Against Asian Pacific Americans and Recent Immigrants

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The rising tide of violence against Americans of Asian ancestry is a critical and disturbing issue. The origins are not simple nor are the solutions quick and easy. Yet it is critical that we begin to examine the problem in the hopes of arresting its growth and offering long term solutions.

I am extremely pleased that the United States Commission on Civil Rights is initiating this study of discrimination against Asian Americans. Such a comprehensive national examination of the problem should bring together the other fine reports that have been assembled. Most importantly, the investigation and report will serve to heighten public awareness of the problem and highlight possible solutions.

Violence, harassment, and prejudice against Asian Americans is not a new phenomenon. It has existed in many unpleasant forms over the history of this nation. Yet it is the current reemergence that we must examine to determine what traditional factors exist and what new factors are at work for this period in our history.

One of the major ingredients that has marked previous periods of violence against Americans of Asian ancestry is present today: national economic difficulties. Two of the most devastating anti-Asian American periods occurred during times of extreme national stress, first in the 1870s and later during the Great Depression years. In both cases, anger and frustration over job losses was randomly focused on Asian American immigrants, blaming them for taking "American" jobs. Both periods saw anti-Asian verbal and physical attacks and riots as well as mob violence and massive destruction of property. Asian Americans became an easy target for unvented economic frustration.

The 1970s and early 1980s have also been periods of economic uncertainty for the United States. This nation has experienced several severe recessions, including periods of high unemployment with skyrocketing interest rates and climbing inflation. Moreover, traditional industries such as steel and automobiles have been unable to keep pace with worldwide competition and have experienced downturns even more severe than other sectors of the economy. Worse yet, these industries have even not rebounded during the periods of economic recovery.

In response to these economic difficulties, we have begun to see similar violence, prejudice, and scapegoating. Asian Americans, whether recent immigrants or third generation residents, are becoming the victims of physical and verbal attacks. They are once again being given the blame for somehow causing the economic distress of other Americans.

The modern period of economic stress has additional aspects which make Asian Americans particular targets of racial hatred and abuse. In recent years, most of the industries that have suffered the worst have been hurt by imports from countries in South East Asia. As anger develops against nations of Asia, that anger is transferred to Americans of Asian ancestry who appear to be quick and "easy" targets.

The difference between Asian nations and Americans of Asian ancestry becomes so blurred that Asian Americans are the scapegoats for loss of American jobs to foreign industries. The Vincent Chin case is a tragic example of the lengths to which such logic may be taken. Vincent Chin, a young Detroit man, was brutally beaten to death by two auto workers who blamed him for their unemployment. Chin, a Chinese American, was celebrating his upcoming wedding at a Detroit bar when he was confronted by two auto workers who thought Chin was Japanese. The two men stalked him over a five-block area, and when they found him, they beat him to death with a baseball bat.

As the tide of anger and fear has increased, the media has begun to both reflect and perpetrate the anger, the stereotyping, and the racial hatred. The words "chink" and "jap" appear more frequently in local and national publications. In Flint, Michigan, recently, there was a striking example of anti-Asian sentiment in the media.

The incident occurred at the Six Flags Auto World Theme Park. A graphics display in an exhibit entitled "Life Courtesy of the Automobile" was racially derogatory and had the potential to incite further prejudice and violence against Asian Americans. The display depicted a ferocious flying car, constructed as a caricature of a Japanese face, dropping a bomb on Detroit. The entire image was displayed against the Imperialist Japanese flag.

The theme park had received Federal funding through the Department of Housing and Urban Development's program of UDAG grants (urban development action grants). Therefore, not only was the display offensive, it was also being supported by taxpayer funds.

In letters to the manager of Six Flags, Inc., and the Department of Housing and Urban Development, I urged that the display be immediately removed. While the exhibit was removed later that month, officials were reported to have maintained the position that the display was merely "satirical" and was only being removed to make room for a new exhibit.

I considered the undercurrent of violence and the implied racial slur an affront to Asian Americans in general and Japanese Americans in particular. Considering that the tragic murder of Vincent Chin took place in that very State, it was difficult to understand the insensitivity of the Six Flags officials.

Images such as these, particularly in explosive locations such as the automobile industry State of Michigan, serve to heighten the anger and tension directed against Americans of Asian ancestry. As the anger increases, it becomes more and more acceptable for Asian Americans to be used as scapegoats for current problems. Blaming problems on foreigners and immigrants gets entangled in an image of "Buy America" patriotism where hatred of anyone who doesn't look Caucasian becomes a perverse kind of nationalism.

The result is that Americans of Asian ancestry have to bend over backwards to try to prove that they are American. This is certainly a problem for recent immigrants who find it difficult enough to try to assimilate. And it is further a problem for those of Asian ancestry who were born in this country and struggle with this strange necessity to suddenly prove that they really are not the enemies of their own nation.

But acts of racism have absolutely nothing to do with patriotism. Denying parking spaces to Japanese-made automobiles cannot be equated with protecting our borders from enemy attack. Firebombing Laotian refugee homes should not be confused with bombing enemy territory. How can these acts be considered patriotic?

Who can explain this patriotism to the wife of the Laotian refugee who was killed by two St. Louis motorists angered by the refugee's stalled car?

Who can explain this patriotism to the nearly 60 Asian refugees in Boston who were driven from their homes by a series of suspicious fires?

Who can explain this patriotism to Keo Sopheap, a 19-year-old Cambodian refugee, who is ridiculed by his fellow high school students who tell him to return to Cambodia?

Who can explain this patriotism to the Cambodian family forced to move from their home because their neighbors throw rocks through their windows, one of which hit their baby in the head?

And who can explain this patriotism to the husband of Ly Yung Cheung, a seamstress in New York's Chinatown, who was pushed into the path of an onrushing subway train? Cheung was waiting for the train when a man came up and pushed her into the path of the train, which decapitated her. It was reported that the man shouted, "We're even," after pushing Cheung. The defense attorney for the accused claims that his client has a "psychotic phobia" about Orientals.

The truth is that none of these actions is in the least bit patriotic or heroic. They ignore the essence upon which this nation was founded, freedom for all who come to the land of hope and opportunity.

The problem of persecution, harassment, and violence against Americans of Asian ancestry does not have a simple solution. Fear, anger, and frustration are difficult to combat. But I believe the key is to establish as quickly as possible that venting emotions on Asian Americans is unAmerican and unacceptable.

Such an outcome will require that efforts be taken on several fronts. The first step needed is vigorous enforcement of current laws in order to demonstrate that Asian Americans are not an "acceptable" target and that consequences are forthcoming. Asian Americans, particularly recent immigrants who may be wary of going to authorities, must be encouraged to report acts of violence. In the same vein, programs that help recent immigrants adjust and assimilate into this nation must be enhanced so that new immigrants will understand the extent of their rights and freedoms in this nation and feel the confidence to exercise them.

Most importantly, we must make strong efforts to heighten public awareness of the problem. We must expose the extent of incidents that are occurring so that the general public can understand the seriousness of the situation. And we must make efforts to remind non-Asian Americans that their own ancestors were once immigrants to these shores as well.

By combining peer pressure and authoritative pressure, we can hope to arrest the rising tide of violence that threatens to drown the dreams of freedom and opportunity shared by so many who have come to this country. We must remember that this nation has developed its greatness by establishing a haven for freedom and creativity, forces that are stifled in so many corners of the world. It is the dream of life, liberty, and the pursuit of happiness that has made America what it is today. And it is this dream which must be nurtured if we intend to keep America growing strong.

Appendix B

Additional Tables

TABLE B-1
Asian and Pacific Island Population by State and Region of Residence, 1980[1]

		Asian and Pacific Islander	
	All races	**Number**	**Percent**
United States	226,545,805	3,726,440	1.6
Northeast	49,135,183	599,294	1.2
Connecticut	3,107,576	21,116	0.7
Maine	1,124,660	3,073	0.3
Massachusetts	5,737,037	52,615	0.9
New Hampshire	920,610	3,364	0.4
New Jersey	7,364,823	109,383	1.5
New York	17,558,072	330,972	1.9
Pennsylvania	11,863,895	70,514	0.6
Rhode Island	947,154	6,617	0.7
Vermont	511,456	1,640	0.3
North Central	58,565,670	435,391	0.7
Illinois	11,426,518	172,213	1.5
Indiana	5,490,224	24,355	0.4
Iowa	2,913,808	13,847	0.5
Kansas	2,363,679	17,539	0.7
Michigan	9,262,078	62,641	0.7
Minnesota	4,075,970	32,226	0.8
Missouri	4,916,686	24,962	0.5
Nebraska	1,569,825	8,190	0.5
North Dakota	652,717	2,292	0.4
Ohio	10,797,630	53,166	0.5
South Dakota	690,768	1,917	0.3
Wisconsin	4,705,767	22,043	0.5
South	75,372,362	513,005	0.7
Alabama	3,893,888	10,660	0.3
Arkansas	2,286,435	7,232	0.3
Delaware	594,338	4,627	0.8
District of Columbia	638,333	6,883	1.1
Florida	9,746,324	62,514	0.6
Georgia	5,463,105	26,009	0.5
Kentucky	3,660,777	11,823	0.3
Louisiana	4,205,900	25,123	0.6
Maryland	4,216,975	67,949	1.6
Mississippi	2,520,638	7,749	0.3
North Carolina	5,881,766	23,150	0.4
Oklahoma	3,025,290	19,765	0.7
South Carolina	3,121,820	13,370	0.4
Tennessee	4,591,120	15,252	0.3
Texas	14,229,191	134,428	0.9
Virginia	5,346,818	70,569	1.3
West Virginia	1,949,644	5,902	0.3

TABLE B-1 (cont.)
Asian and Pacific Islander Population by State and Region of Residence, 1980[1]

		Asian and Pacific Islander	
	All races	Number	Percent
West	43,172,490	2,178,750	5.0
Alaska	401,851	8,314	2.1
Arizona	2,718,215	24,562	0.9
California	23,667,902	1,312,973	5.5
Colorado	2,889,964	34,257	1.2
Hawaii	964,691	590,659	61.2
Idaho	943,935	6,721	0.7
Montana	786,690	3,097	0.4
Nevada	800,493	15,606	1.9
New Mexico	1,302,894	7,728	0.6
Oregon	2,633,105	40,958	1.6
Utah	1,461,037	20,224	1.4
Washington	4,132,156	111,607	2.7
Wyoming	469,557	2,044	0.4

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[1] Data based on a sample (approximately 19 percent) of the 1980 census.

Source: Adapted from U.S. Department of Commerce, Bureau of the Census, *Asian and Pacific Islander Population by State: 1980* (1983), p. 8.

TABLE B-2
Asian and Pacific Islander Groups Reported in the 1980 Census

Asian

- Chinese*
- Filipino*
- Japanese*
- Asian Indian*
- Korean*
- Vietnamese*
- Bangladeshi
- Burmese
- Cambodian (Kampuchean)
- Hmong
- Indonesian
- Laotian
- Malayan
- Okinawan
- Pakistani
- Sri Lankan (Ceylonese)
- Thai
- Asian not specified[1]
- All other Asians
  - Bhutanese
  - Borneo
  - Celebesian
  - Cernan
  - Indochinese
  - Iwo-Jiman
  - Javanese
  - Maldivian
  - Nepali
  - Sikkim
  - Singaporean

Pacific Islander

- Polynesian
  - Hawaiian*
  - Samoan*
  - Tahitian
  - Tongan
  - Other Polynesian
    - Tokelauan
    - Polynesian

- Micronesian
  - Guamanian*
  - Other Mariana Islanders
    - Saipanese
    - Tinian Islander
  - Mariana Islander
  - Marshallese
  - Marshall Islander
    - Eniwetok Islander
    - Bikini Islander
    - Kwajalein Islander
  - Palauan
  - Other Micronesian
    - Micronesian
    - Ponapean
    - Trukese
    - Yapese
    - Carolinian
    - Tarawa Islander

- Melanesian
  - Fijian
  - Other Melanesian
    - Melanesian
    - Papua New Guinean
    - Solomon Islander
    - New Hebrides Islander

- Other Pacific Islanders[2]

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*Listed separately on the 1980 census questionnaire.

[1] Includes entries such as Asian American, Asian, and Asiatic.

[2] Includes persons who did not provide a specific written entry but reported "Pacific Islander."

Source: U.S. Department of Commerce, Bureau of the Census, *Asian and Pacific Islander Population by State: 1980* (1983), p. 5.

TABLE B-3

Southeast Asian Refugee Arrivals in the United States and Other Countries, April 1975 through November 1985

Country of residence	Estimated total	Country of residence	Estimated total
Australia	104,852	Japan	1,710
Belgium	6,750	Netherlands	6,203
Canada	122,266	New Zealand	7,093
China	265,778	Norway	5,428
Denmark	3,600	Sweden	4,115
France	109,807	Switzerland	9,966
West Germany	29,674	United Kingdom	19,188
Italy	3,534	Other	24,445

Total in the United States	772,815
Total in other countries	724,409
Grand total	1,394,606

Source: U.S. Department of State, "Departures to U.S. and Third Countries: Cumulative Since April 1975," as of November 30, 1985 (undated) (unpublished).

TABLE B-4
Southeast Asian Refugees, Estimated Cumulative State Population, Entries from 1975 through November 1985[1]

State of residence	Estimated total
Alabama	3,100
Alaska	200
Arizona	5,100
Arkansas	2,500
California	305,400
Colorado	10,600
Connecticut	7,100
Delaware	200
District of Columbia	1,700
Florida	12,800
Georgia	9,800
Hawaii	6,700
Idaho	1,600
Illinois	25,500
Indiana	3,900
Iowa	8,900
Kansas	10,100
Kentucky	2,200
Louisiana	14,200
Maine	1,700
Maryland	9,300
Massachusetts	22,900
Michigan	10,500
Minnesota	24,400
Mississippi	1,900
Missouri	7,000
Montana	800
Nebraska	2,000
Nevada	2,000
New Hampshire	800
New Jersey	6,900
New Mexico	2,000
New York	29,000
North Carolina	5,200
North Dakota	900
Ohio	10,400
Oklahoma	8,600
Oregon	17,500
Pennsylvania	25,700
Rhode Island	5,900
South Carolina	2,100
South Dakota	1,000
Tennessee	5,000
Texas	57,900
Utah	8,000
Vermont	600
Virginia	20,900
Washington	34,700
West Virginia	400
Wisconsin	10,100
Wyoming	200
Guam	300
Other Territories	[2]
Total	768,200

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[1] Adjusted for secondary migration through 9/30/85, rounded to the nearest hundred.

[2] Fewer than 100.

Source: U.S. Department of Health and Human Services, Social Security Administration, Office of Refugee Resettlement, "Monthly Data Report for November 1985" (1985), p. 3.

Appendix C

Methodology

In 1984 the U.S. Commission on Civil Rights undertook a study to examine incidents of violence, harassment, intimidation, and vandalism against U.S. citizens and residents of various Asian ethnic groups. The purposes of the study were to examine the nature of recent acts against persons of Asian descent in the United States and to explore reasons for current anti-Asian sentiment and behavior.

Commission staff first attempted to determine whether there was statistical information on the number and types of anti-Asian incidents nationwide. Staff contacted a number of sources, including the U.S. Department of Justice (Crime Statistics Division and Community Relations Service) and national organizations that monitor racially motivated activity, and found that statistical information is not available on a national scale. Staff found that many if not most such incidents go unreported, that there often is no separate determination of racial motivation, and that few of the cases are solved.

To gather as much information as possible, staff also contacted local law enforcement agencies. Fifty agencies in jurisdictions throughout the country where many Asian Americans live were contacted; only two actually maintained such statistics (the Boston and New York police departments). Many of the cases remain unsolved, since perpetrators are seldom caught. (In New York, no one has been arrested for any of the crimes against Asian Americans that were designated as racially motivated during the period these statistics have been kept.)

Other bases of information used in the report include reviews of social science literature and other documents; research and analysis of legal materials; field investigations in eight States and the District of Columbia; and analyses of population and socioeconomic data from the 1980 census, the Immigration and Naturalization Service of the Department of Justice, the Office of Refugee Resettlement of the Department of Health and Human Services, and other sources.

Literature Review

Staff examined sources of information regarding historical treatment of persons of Asian descent in the United States; current socioeconomic status of Asian Americans; and violence, vandalism, harassment, and intimidation against members of various Asian American ethnic groups, including immigrants and refugees. Historical treatment of Asian Americans is documented in the literature, but less research has been done on the other topics. Therefore, staff explored other sources for information on the subject matter. Transcripts and summaries of hearings held by human relations commissions in several locations (Los Angeles and Sacramento, California, and Philadelphia, Pennsylvania) yielded information about specific instances of behavior directed against persons of Asian descent.

Legal Research

Staff reviewed several types of legal material: (1) immigration laws and related documents; (2) State laws concerning racially motivated violence; and (3) court documents related to specific instances of anti-Asian behavior.

Immigration laws from 1872 to the present were examined in the context of their effect on Asian immigrants. The legislative history of more recent immigration acts (1952 and 1965) was also reviewed. In addition, laws pertaining to refugees, and to Indochinese refugees in particular, were analyzed.

A number of States have enacted laws concerning racial, ethnic, or religious bigotry or violence. Staff examined the laws in States included in the field investigation as they pertain to racially motivated crimes and the penalties for such actions.

Court documents reviewed include briefs, final court decisions, complaints, and intermediate orders. These related specifically to incidents of violence, harassment, and intimidation perpetrated against persons of Asian descent.

Field Investigations

Field investigations were conducted in eight States and the District of Columbia. Specifically, interviews were conducted in Sacramento, San Francisco, Los Angeles (city and county), Orange County, and San Jose, California; Montgomery County, Maryland; Boston, Massachusetts; New York City, New York; Philadelphia, Pennsylvania; Houston and Seabrook, Texas; Arlington and Fairfax Counties and Falls Church and Alexandria, Virginia; Seattle and Tacoma, Washington; and Washington, D.C. These sites were chosen based on a number of factors: the presence of a substantial number of persons of Asian descent, reports of anti-Asian activity occurring there, and the location of Federal or State offices or national organizations that have examined this issue. The investigations included indepth interviews with Federal, State, and local officials, including those in law enforcement and criminal justice; academicians and social science researchers; entrepreneurs; and representatives of human relations commissions, refugee resettlement agencies, and national and community organizations. A multisite qualitative approach was chosen for this part of the study to elicit information regarding violence, harassment, intimidation, and vandalism against persons of Asian descent; to examine the issue of racial motivation in the commission of these acts; to explore factors that contribute to anti-Asian behavior; and to assess public, law enforcement, and community officials' responses to anti-Asian activity within these jurisdictions.

Analysis of Population and Socioeconomic Data

Three sources were used for information on population of various Asian ethnic groups: published tables from the 1980 census, published and unpublished tables from the Immigration and Naturalization Service, and published data from the Office of Refugee Resettlement.

Much of the population information presented in chapter 2 of the report is derived from published tables in the 1980 census supplementary report, *Asian and Pacific Islander Population by State: 1980.* These figures are based on the 1980 census questionnaire sent to a sample of the total U.S. population. Persons were asked to identify themselves as belonging to one of a number of groups, including 9 Asian ethnic groups; there was also a space to write in another group not listed. The Bureau of the Census publication based on the sample presents data for 17 specific Asian groups and numerous Pacific Islander groups; other groups are included with "Asian not specified," "all other Asian," or "all other Pacific Islander" categories.[1]

Other information on numbers of persons of various Asian ethnic groups comes from the Immigration and Naturalization Service, which keeps tabulations of annual immigrants by country of origin, and the Office of Refugee Resettlement, which issues an annual publication on the refugee program. Current population of refugees by State was estimated by the Office of Refugee Resettlement, using figures on alien registration supplied by the Immigration and Naturalization Service and estimates of secondary migration from individual States.[2]

Data on socioeconomic status of the Asian American population were derived from published census information and the Commission's own analysis of the 5 percent public use sample tapes. Information was available from both sources on the following groups: Chinese, Filipinos, Japanese, Koreans, and

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[1] See U.S. Department of Commerce, Bureau of the Census, *Asian and Pacific Islander Population by State: 1980,* supplementary report (1983), pp. 16–21, for a complete discussion of the data used in this report.

[2] For more detail on how these estimates were derived, see U.S. Department of Health and Human Services, Social Security Administration, Office of Refugee Resettlement, *Refugee Resettlement Program* (1985), p. A–15, table 9, note a, and p. A–17, table 10, note a.

Vietnamese. Other groups were too small and concentrated for representative sampling. Total figures on educational attainment, income, poverty rates, and so forth were computed from various tables in the census publication, *General Social and Economic Characteristics, United States Summary,* based on the 5 percent sample questionnaire.

Data on earnings by education and occupation were computed by Commission staff using microdata from the 5 percent public use sample tapes from the 1980 census. Earnings are defined as the sum of wages and salaries, self-employment income, and farm self-employment income. Losses are included in the totals. (Individuals at the upper income reporting limit, $75,000 or more, are assigned earnings of $121,000, and individuals at the lower reporting limit, less than -$9,999, are assigned earnings of -$20,000.) A subsample of these cases was selected to include persons age 25-54 who worked at least 1 hour in 1979. (Institutionalized persons were excluded.) Data in this report are presented for the following groups: Japanese, Chinese, Filipino, Korean, Vietnamese, and non-Hispanic white. (Information on race is derived from the race question in the 1980 census.) Non-Hispanic white refers to those who answered "white" on the race question, excluding those who filled in Mexican, Puerto Rican, or Cuban on a separate Spanish origin question of the census.

The result of the collection and analysis of the information is an extensive multisite study examining quantitative data on the distribution and socioeconomic status of Asian Americans, and qualitative information on current anti-Asian activity, possible contributory factors, and the response of public officials and others to these incidents.

Appendix D

Federal Civil Rights Statutes

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18 U.S.C. §241—Conspiracy Against Rights of Citizens:

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined not more than $10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life. (June 25, 1948, ch. 645, 62 Stat. 696; Apr. 11, 1968, Pub. L. 90-284, title I, §103(a), 82 Stat. 75.)

18 U.S.C. §242—Deprivation of Rights Under Color of Law:

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than one year, or both; and if death results shall be subject to imprisonment for any term of years or for life. (June 25, 1948, ch. 645, 62 Stat. 696; Apr. 11, 1968, Pub. L. 90-284, title I, §603(b), 82 Stat. 75.)

18 U.S.C. §245(b)(2)(f)—Federally Protected Activities:

(b) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

(2) any person because of his race, color, religion or national origin and because he is or has been—

(F) enjoying the goods, services, facilities, privileges, advantages, or accommodations of any inn, hotel, motel, or other establishment which provides lodging to transient guests, or of any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility which serves the public and which is principally engaged in selling food or beverages for consumption on the premises, or of any gasoline station, or of any motion picture house, theater, concert hall, sports arena, stadium, or any other place of exhibition or entertainment which serves the public, or of any other establishment which serves the public and (i) which is located within the premises of any of the aforesaid establishments or within the premises of which is physically located any of the aforesaid establishments, and (ii) which holds itself out as serving patrons of such establishments. (Added Pub. L. 90-284, title I, §101(a), Apr. 11, 1968, 82 Stat. 73.)

Appendix E

Provisions and Penalties of Selected State Statutes Concerning Racial Violence, Harassment, or Intimidation

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Maryland

Burning cross or other religious symbol: Md. Ann. Code, art. 27 §10A

Section 10A prohibits the burning of a cross or other religious symbol on either private or public property within the State. Violation of this statute carries a maximum penalty of a $5,000 fine, 3 years' imprisonment, or both.

Destroying, injuring, etc., property of another: Md. Ann. Code, art. 17, §111

This statute prohibits any person from willfully and maliciously destroying, injuring, defacing, or molesting the real or personal property of another. Violation of this section is a misdemeanor carrying a maximum penalty of a $2,500 fine, 3 years' imprisonment, or both.

Unlawful use of telephone: Md. Ann. Code, art. 27, §555A

Section 555A prohibits any person from using the telephone:

- for an anonymous call or calls if in a manner reasonably to be expected to annoy, abuse, torment, harass, or embarrass another person;
- for repeated calls, if with the intent to annoy, abuse, torment, harass, or embarass a person; or
- for an obscene call.

Violation of this statute constitutes a misdemeanor carrying a maximum penalty of a $500 fine, 3 years' imprisonment, or both. Maryland also has local ordinances in Montgomery and Prince George's Counties governing injury to public property (Montgomery County Code, E 32-19) and burning crosses or other religious symbol (Prince George's County Code, E 11-205).

Virginia

Physical injury: Va. Code §§18. 2-38 to 46 (Repl. Vol. 1982)

The statutes provide that every lynching shall be deemed a murder. Shooting, stabbing, wounding, or other intentional bodily injury inflicted by a mob constitutes a class 3 felony, punishable by not less than 5 or more than 20 years' imprisonment. Va. Code §18.2-41. Simple assault or battery by a mob constitutes a class 1 misdemeanor, punishable by imprisonment for not more than 1 year and a fine of not more than $1,000, or both.

Verbal threats, harassment: Va. Code §18.2-83

The statute makes a bomb threat by an adult a class 5 felony, punishable by not less than 1 or more than 10 years' imprisonment, or a fine of not more than $1,000, or both. Juvenile offenders less than 15 years of age will be guilty of a class 1 misdemeanor only, punishable by not more than 1 year of confinement or a fine of not more than $1,000, or both.

Intimidation: Va. Code §18.2-283

The statute prohibits a person from carrying any dangerous weapon without a sufficient reason to a place of worship while a meeting for religious purposes is being held there. The violation of this statute is punishable by a fine of not more than $100.

Property Damage: Va. Code §18.2-81

The malicious burning or destruction by explosives of personal property with a value of $200 or more is a class 4 felony, punishable by a prison term of not less than 2 or more than 10 years.

New York

McKinney Session Laws, Ch. 870, §40-C (1981)

This amendment to New York State's civil rights law broadens the definition of discrimination to include intimidation or harassment of a person because of his race, creed, color, or national origin. The penalty for such discrimination is increased to a class A misdemeanor, but if in the course of the discrimination the victim is injured or his property damaged, the penalties escalate to the felony level.

McKinney Session Laws, Ch. 76, §28 (1981)

This amendment to the religious corporation law of New York State makes parents liable for up to $5,000 when their children between the ages of 10 and 18 deface, defile, or otherwise damage any religious property.

New York Penal Law §240-31 (Consol. 1982)

This act amends the penal law concerning aggravated harassment. The amendment provides that anyone who strikes or otherwise subjects another to physical contact because of that person's race, color, religion, or national origin is guilty of a class A misdemeanor. The penalty escalates to the felony level if the assailant has previously been convicted of such aggravated harassment or if property damage to religious premises exceeds $500.

California

California Code of Civil Procedure, §527.7

This section of the California code permits a court to issue a civil injunction against a meeting of any group planning "the commission of an unlawful act of violence or force directed to and likely to produce the imminent and unlawful infliction of serious bodily injury or death of another person within this state."

California Penal Code, §11410 et seq. (art. 4.5 to Ch. 3 of Title 1 of Pt. 4 of the California Penal Code)

The statute declares that "it is a right of every person regardless of race, color, creed, religion or national origin to be secure and protected from fear and intimidation and physical harm caused by the activities of violent groups and individuals."

Massachusetts

Massachusetts Civil Rights Act of 1979, G.L. c. 265, §37 (1981)

This statute provides that:

> No person whether or not acting under color of law shall by force or threat of force willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with, or oppress or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the Commonwealth or by the constitution or laws of the United States.

The statute provides for criminal penalties of up to a $1,000 fine or 1 year of imprisonment, or both; if bodily injury results, the offender may be punished by a fine of up to $10,000 or imprisonment for up to 10 years, or both.

Pennsylvania

118 Pa. Cons. Stat. §5515 (1982)

The statute prohibits paramilitary training involving "the teaching or demonstrating of the application or making of any firearm, explosive or. . .device. . .capable of causing injury or death to persons. . . ." The statute also prohibits the assembly of two or more persons for the purpose of "training. . .or being instructed in the use of any firearm. . . ." Violations of the statute are misdemeanors.

Washington State

Wash. Rev. Code 9 A §36.080

The statute prohibits "malicious harassment." A person is guilty if he:

> maliciously and with the intent to intimidate or harass another person because of that person's race, color, religion, ancestry or national origin: (a) causes physical injury to another person; or (b) by words or conduct places another person in reasonable fear of harm to his person or property or harm to the person or property of a third person; or (c) causes physical damage to or destruction of the property of another person.

The statute makes malicious harassment a class C felony. The statute permits recovery of actual damages and punitive damages of up to $10,000.

Appendix F
Cooperative Agreement Between the United States Government and Refugee Resettlement Agencies

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United States Department of State
Agreement No. 1037–

COOPERATIVE AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
____

THIS COOPERATIVE AGREEMENT is made and entered into by and between the Government of the United States of America (hereinafter referred to as the "Government"), acting through the Department of State, Bureau for Refugee Programs (hereinafter referred to as the "Bureau") and ____________ hereinafter referred to as the "XX."

WHEREAS, the Bureau is conducting an initial reception and placement program for refugees as authorized under the applicable provisions of the Immigration and Nationality Act, as amended; and

WHEREAS, the XX has submitted to the Bureau an appropriate proposal (hereinafter referred to as the "Proposal"), has demonstrated its ability to perform the services specified in the Proposal, including the ability to make available volunteer assistance and other private resources, and has indicated its willingness to provide the required assistance, in a mutually acceptable manner, and in accordance with the Immigration and Nationality Act, as amended;

NOW THEREFORE, THIS COOPERATIVE AGREEMENT WITNESSETH:

ARTICLE I

PURPOSE

The purpose of this agreement is to ensure that the XX shall provide an appropriate and adequate sponsorship for the refugees assigned to the XX and that under reasonable circumstances it shall assist or arrange for assistance to such refugees as specified in Article II for the first 90 days after arrival in the United States, or for a shorter period of time where explicitly stated. Nothing in this agreement is intended to prohibit performance of such other refugee resettlement activities as may be deemed appropriate by the XX.

In arranging for the provision of Core Services under Article II, the XX recognizes that the ultimate goal of services performed under this Agreement is to assist refugees to become selfsufficient through employment as soon as feasible after arrival in the United States. Specifically, the XX shall emphasize this goal in selecting the individual(s) or group(s) to assist in sponsorship, in providing orientation to both the individual(s) or group(s) assisting in sponsorship and to the refugees, and in arranging for employment counseling. The provision of the services specified in Article II, Section A, paragraph 2 ("Reception Services") is intended to preclude, during the first thirty (30) days that the refugees are in the United States, any necessity for reliance by the refugees on cash assistance authorized under Section 412 (e) of the Immigration and Nationality Act, as amended.

ARTICLE II

RESPONSIBILITIES

A. *Core Services*

The XX shall ensure the provision of the services described below under reasonable circumstances for the refugees it sponsors and who arrive in the United States from March 1, 1984 to September 30, 1984. The XX shall itself provide the services described below or shall ensure that they are provided under the XX's guidance by another appropriate entity or individual.

1. *Pre-Arrival Services*

   a. Establishment and maintenance of a case file on each arriving refugee unit to include 90 day service form(s), biographical data, health information, level of English language capability, and other pertinent information to assist in developing plans for employment and service needs of arriving refugees;

   b. Placement of refugees in accordance with the placement policy outlined in the Immigration and Nationality Act, as amended, and in keeping with the goal of earliest possible employment; until implementing procedures are finalized, the XX shall follow the placement policy issued by the Bureau in July 1982;

   c. Responsibility for sponsorship of the refugees covered under this agreement, which may not be delegated to any other entity or individual. When a family or individual receiving welfare is united with an arriving refugee, the XX shall take direct action to ensure that each refugee is encouraged and guided towards employment as quickly as possible, as outlined in the Proposal;

   d. Orientation of any individual or group who will assist in sponsorship to include an explanation of the sponsorship process, resettlement, and the XX's role in each; and

   e. Facilitation of refugee travel to resettlement sites in the U.S.

2. *Reception Services*

   a. Meeting the refugees at the airport of final destination and transporting them to living quarters;

   b. Providing decent, safe and sanitary housing for a minimum of 30 days;

   c. Providing essential furnishings;

d. Providing food or a food allowance and other basic necessities of the refugees for thirty (30) days after arrival;

e. Providing necessary clothing for the refugee upon arrival; and

f. Providing assistance to the refugees in applying for social security cards and in registering children for school.

3. *Counseling and Referral Services*

a. *Orientation*

Upon the refugees' arrival, orientation to the refugees and, as necessary, further orientation to individuals or groups assisting in sponsorship so that the refugees are:

(1) Apprised of the role of the XX and of any other individual or group assisting in sponsorship;

(2) Knowledgeable about public services and facilities;

(3) Aware of requirements of personal and public safety;

(4) Familiar with public transportation; and

(5) Aware of standards of personal and public hygiene.

b. *Health*

(1) To each refugee unit a general orientation to the health care system in the resettlement area;

(2) In regard to refugees with Class A health conditions or Class B conditions affecting the public health (as designated from time to time by the Public Health Service), assurance that these refugees report within seven days of arrival to the official public health agency in the resettlement area;

(3) Assistance to the refugees in obtaining health assessment services through available State or local public health programs after their arrival in the resettlement area. Such refugee health assessment services may be provided through alternative systems where such services are available and equivalent to those provided by public health agencies in the resettlement area;

(4) Cooperation with State or local public health officials by:

(a) sharing information needed to locate and provide health services to refugees, including secondary migrants to the degree possible; and

(b) extending assistance to refugees in obtaining continued therapy or preventive treatment for health conditions affecting the public health.

(5) For a refugee who is mentally retarded or who has a history of mental illness with required recovery demonstrated;

(a) assuring that within 30 days of arrival in the U.S. such refugee receives an initial evaluation by the health care provider who supplied a written commitment prior to the granting of a waiver for admission;

(b) requesting the health care provider to furnish a copy of the initial evaluation to Refugee Activity, Quarantine Division, Centers for Disease Control, Atlanta, Georgia 30333; and

(c) assuring that such refugee is provided assistance in seeking special treatment, education, training and/or medical regimens that a previously identified mental condition may require.

c. *Employment Services and Other Assistance*

(1) Job counseling and assistance to employable refugees in finding employment shortly after arrival; as needed, referral of employable refugees to job counseling, placement or training programs.

(2) Notifying the appropriate county or other local welfare office at the time the XX (or local affiliate) becomes aware that a refugee receiving welfare benefits is offered employment or has voluntarily quit a job and notice to the refugee that such information has been provided to the welfare office. Notice of offered employment shall be given whether or not the refugee accepts the offer.

(3) Responding to contacts from a State or State agency relating to a refugee's application for and receipt of cash or medical assistance, including furnishing documentation respecting any cash or other resources provided directly by the XX to the refugee; and

(4) In order to carry out responsibilities under section (2) and (3), maintaining a record of notification from a State, county, or other local welfare office that a refugee sponsored by the XX has applied for welfare benefits.

d. *Coordination*

Coordination with other locally available information and referral services or case management systems with respect to the services mentioned in this subsection.

4. *Assistance to Children Separated from Parents*

a. For a minor being united with relatives other than parents:

(1) Prior to a minor's arrival, visiting the home of the relative to determine the suitability of the placement;

(2) Upon the minor's arrival, taking all necessary steps to ensure that legal responsibility for the minor is established properly and promptly, according to State law;

(3) Maintaining regular contact with the minor for at least 90 days;

(4) Maintaining individual records of assistance to the minor and of the minor's needs during the 90-day period; and

(5) Making a follow-up visit 90 days after arrival to determine the continued suitability of the placement, arranging alternate placement, if necessary, assessing the need for continued services, and arranging for such services, if needed;

b. For a minor who enters the country with a non-related refugee unit or with relatives other than parents:

(1) Assessing promptly the suitability of the child's placement within the unit;

(2) Explaining to the relatives or other individuals the nature and expectations of U.S. legal and cultural child care practices;

(3) Assuring that legal responsibility for the child is established properly and promptly, according to State law;

(4) Maintaining individual records of assistance to the child and of the child's needs during the 90-day period; and

(5) Maintaining regular contact with the child for at least 90 days.

5. *Services to Unaccompanied Minors*

For a minor child who will be placed in a foster care setting:

a. Meeting the refugee minor at the airport;

b. Ensuring that legal responsibility for the minor is established properly and promptly, consistent with provisions of State law relating to all minors in foster care;

c. Assisting in the provision of health assessment;

d. Providing orientation materials for the refugee minor and for the foster parent for the use in the child's case plan, established by the State; and

e. Consulting with State and local governments on the XX's or local affiliate's responsibilities and activities.

6. *Consultation with Public Agencies*

a. Conducting activities in close cooperation and advance consultation with State and local governments;

b. Participating in meetings of State and local governments to plan and coordinate the appropriate placement of refugees in advance of their arrival; and

c. In consultation with the Bureau, developing or updating the National/State reception and placement plan for conducting the refugee activities during the fiscal year.

B. *90-Day Responsibility*

With the exception of an unaccompanied minor, the Core Services enumerated above shall be provided to the refugees assigned to it during the period of ninety (90) days after arrival in the U.S., unless a shorter period is stated in the applicable provision under Article II.

The XX shall ensure that under reasonable circumstances the refugees are carefully monitored by its representative or designee for each of the Core Services for the first 90 days after their arrival (if they remain in the same general geographic area where initially placed) and that the representative or designee relies on another individual or entity for delivery of a Core Service, the representative or designee shall determine whether the service is satisfactorily delivered.

C. *Optional Services*

After the provision of Core Services required for refugees sponsored by the XX during the initial 90-day period, the XX may provide from any unexpended per capita grant funds optional services to these or other refugees admitted to and arriving in the United States. Optional services shall continue or expand assistance to refugees in accordance with the XX's role in the reception, placement, and resettlement of refugees in the coordination with other entities providing services to refugees. Information on these services shall be shared with State and local governments and others interested and involved in resettlement.

ARTICLE III

ADMINISTRATION

In addition to the Core Service responsibilities described in Article II, the XX shall:

A. Adhere to the applicable provisions of the "Guidelines for the Administration of Reception and Placement Agreements awarded by the Department of State's Bureau for Refugee Programs," attached hereto as Annex A;

B. Adhere to the provisions of the "Standard Provisions" attached hereto as Annex B;

C. State in any annual reports or financial statements that these activities are assisted financially by the Department of State under the authority of the Immigration and Nationality Act, as amended;

D. Adhere to the provisions of OMB Circular A-110, except for the requirements set forth by the following Attachments thereto: Attachment B – Bonding and Insurance; Attachment D – Program Income; Attachment E – Cost Sharing and Matching; Attachment G – Financial Reporting Requirements, Paragraphs 2.a., b., d., e., that portion of f. which does not relate to cash disbursements, 3.a. and b. and 4.a. and b.; Attachment J – Revision of Financial Plans; Attachment M – Standard Form for Applying for Federal Assistance; and Attachment N – Property Management Standards;

E. Utilize its best efforts to collect amounts due from refugees for transportation loans and establish a collection procedure that includes adequate accounting of amounts due from the refugees, amounts received from the refugees, and amounts remitted by the XX to the Intergovernmental Committee for Migration;

F. Submit to the Bureau for review and approval a copy of any proposed contract, sub-contract, agreement, or other arrangement with entities not a part of the XX network as described in the Proposal. No such contract, sub-contract agreement, or other arrangement may be concluded except with the prior consent of the Bureau; and

G. As provided in the Proposal, maintain a monitoring system at the national level and periodically (no less frequently than once a year) review on-site the activities of its local affilitates which regularly resettle refugees. In the case of the congregation resettlement model, the XX's national agency shall maintain a monitoring system at the national and/or regional level(s) to ensure the XX's review of the provision of services under this agreement.

ARTICLE IV

FUNDING

A. *Payment*

1. The Bureau shall provide the XX a fixed per capita grant of $ for non-European refugees and $ for European refugees to cover the reception and placement services, described in Article II, for a total of 0 refugees as indicated below who are expected to arrive in the United States during the period March 1, 1984 through September 30, 1984:

Refugees	Number	Amount
a. African	0	$0.00
b. European	0	$0.00
c. Indochinese	0	$0.00
d. Latin American	0	$0.00
e. Near Eastern	0	$0.00
	0	$0.00

Payment of the above fixed per capita grant will be limited to the number of registered refugees who actually arrive in the United States during the period March 1, 1984 through September 30, 1984, but in no case shall the total payment under this agreement exceed $0.00 during this period.

2. Funds shall be paid to the XX in accordance with the "Letter of Credit" procedure set forth by the Bureau in the "Guidelines for the Administration of Reception and Placement Agreements Awarded by the Department of State's Bureau for Refugee Programs."

3. This agreement may be amended prior to September 30, 1984, to reflect the actual number of refugee arrivals in each category and to adjust the amount of funds accordingly.

B. *Use of Funds*

1. It is understood and agreed that while the funds awarded under this agreement are authorized primarily to enable the XX to provide or arrange for the provision of the "Core

Services" described in Section A of Article II, any unexpended funds available to the XX after providing the "Core Services" may be used to continue the "Core Services" or to provide the "Optional Services" described in Section C of Article II. Such services may be made available to refugees assigned under this agreement or to refugees arriving prior to or subsequent to the period of this agreement.

These funds are limited to refugee assistance activities of the XX and are not to be used to cover expenses of unrelated activities.

In the event that the XX's activities related to the provision of Core Services or Optional Services are also eligible for funding under other Federal government grants or agreements, the Bureau and the XX shall consult each other and any other Federal agency concerned to prevent attribution of the same expenditures to two separate Federal funding agreements.

2. Funds awarded under this agreement shall be expended no later than twelve (12) months following the end of the fiscal year from which funded, unless approved in writing by the Bureau; funds remaining at the end of the above specified period shall be returned to the Bureau.

3. Any interest accrued on funds made available under this agreement must be expended; (1) for those activities authorized within this agreement; (2) within the same time period permitted for the expenditure of per capita funds as specified in Section B, paragraph 2, of this Article.

4. All travel to be paid with funds provided under this agreement must be performed on U.S. flag carriers to the extent such service is available.

5. Funds provided under this agreement shall not be used for entertainment or other representational activities.

C. *Volag Reimbursements*

With the written approval of the Bureau, the XX may enter into funding arrangements with other participating voluntary organizations that will ensure that each organization is reimbursed for the actual number of refugees to whom it has provided services during the period of this agreement.

ARTICLE V

REPORTS

A. *Financial*

1. The XX shall submit a monthly Grantee Nominal Role and a copy of the letter of credit draw down voucher in accordance with the format described in Section 4.a. of the "Guidelines for the Administration of Reception and Placement Agreements Awarded by the Department of State's Bureau for Refugee Programs." The final report of sponsorship claims must be submitted no later than December 31, 1984.

2. The XX shall submit by December 31, 1984 an interim financial report indicating expenditures incurred during the period March 1, 1984 through September 30, 1984, including the

accrual and expenditure of interest. The report shall also show the carryover balance of funds available for expenditure during the subsequent twelve (12) month period, including accrued but unexpended interest.

3. The XX shall submit by December 31, 1985 a final financial report indicating expenditures of the carryover funds incurred during the period October 1, 1984 through September 30, 1985, including accrued interest. Any unexpended per capita funds or accrued interest available as of September 30, 1985 must be returned to the Department with this final financial report.

B. *Program*

The XX shall submit by December 31, 1984 a program report in accordance with the format described in the "Guidelines for the Administration of Reception and Placement Agreements Awarded by the Department of State's Bureau for Refugee Programs." This report shall describe activities carried out during the period March 1, 1984 through September 30, 1984 to include, among other information, the nature of sponsorship arrangements, refugee placement information, employment services, assistance to children separated from parents, if appropriate, monitoring and local coordination.

ARTICLE VI

LIAISON

All liaison between the XX and the Bureau with respect to implementation of this agreement shall be with the designated elements of the Bureau relative to the following responsibilities assumed by the XX under this agreement:

A. Financial – Financial Management Operations Division, Bureau for Refugee Programs.

B. Program – Office of Reception and Placement, Bureau for Refugee Programs.

ARTICLE VII

VALIDITY PERIOD

This cooperative agreement enters into force on March 1, 1984 and terminates on September 30, 1984.

IN WITNESS WHEREOF, the parties hereto have executed this Cooperative Agreement as of the date indicated below.

FOR THE PVO		FOR THE BUREAU BUREAU FOR REFUGEE PROGRAMS DEPARTMENT OF STATE
______________________	Typed Names	Norman W. Runkles
______________________	Title	Comptroller, Bureau for Refugee Programs
______________________	Date	______________________

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